AGENDA

Meeting Type:	B
Date:	05/17/1993
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
May 17, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. John Daniel Hester, Memorial United Methodist Church.

2. Announcements

   Tuesday, May 18 - 4:00 p.m. Community Development and Housing Committee - Room 270.

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

   (a) Agenda Item No. 3 - Hearing on Petition Nos. SUB 93-1 and 93-19

   1) Ed McMahan, 5815 West Park Drive - 523-8661 - ~~FOR~~ AGAINST
   (2) FRED BRYANT - AGAINST

   (b) Agenda Item No. 8 - Hearing on Petition No. 93-22

   1) Louis Walker, 1322 Bonnie Lane - 549-1558 - AGAINST

   2) Debbie Moser, 526 Owen Boulevard - 372-9411 - AGAINST

   3) Fred Bryant, 1850 East Third Street - AGAINST

   4) Mary Colvin, 6520 Daugherty Drive - 597-5520 - AGAINST

   5) Frank Suddreth, 726 Neal Drive, 598-6173 - AGAINST

   (c) Agenda Item No. 10 - Hearing on Petition No. 93-24

   1) Paul Eich, 3535 Keith Drive - 372-9419 - AGAINST
   (OVER)

   (d) Agenda Item No. 11 - Hearing on Petition No. 93-25

   (4) Ken Lambla, 2017 East 8th Street - 376-7512 - FOR

   (5) Ginny Johnson, 1916 Bay Street - 334-4481 - FOR

   (1) David Krug
   (2) Jane Grau
   (3) Pam Patterson
   (6) Frank Caldwell
   (7) Virginia Caldwell

#9 - 93-23 -
FRED BRYANT - FOR
X CATHY PERKINS, 1028 NANCY DR, 365-3307

AGAINST

✓ James Mengo, 1114 Nancy Dr. - against
✓ Susan Goetz against
✓ Glenn Baker - against

#10 - 93-24 -
✓ Derrick Knox - Petitioner - FOR
✓ N. A. Mathisen

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(c) Agenda Item No. 10 - Hearing on Petition No. 93-24

1) Paul Eich, 3535 Keith Drive - 372-9419 - AGAINST
(2) N. A. MATHISEN, 1825 TIMBER LANE DR, 283-1155 AGAINST

(d) Agenda Item No. 11 - Hearing on Petition No. 93-25
(1) DAVID KRUG, 131 PROVIDENCE RD. 376-8006 - FOR

1ST HEARING

1) Ken Lambla, 2017 East 8th Street - 376-7512 - FOR

2) Ginny Johnson, 1916 Bay Street - 334-4481 - FOR
(4) PAM PATTERSON 1916 E 8TH ST, 332-4503 - FOR
(5) JANE GRAU, 430 CLEMENT AVE, 334-3328 - FOR
(6) FRANK CALDWELL, 352 N. CASWELL RD 28204-375-2328 AGAINST
(7) VIRGINIA CALDWELL, " " " " " " "

BE SURE TO SEND A COPY TO LOUISE IN PLANNING
THANKS, BRF

(OVER)

AGENDA ITEMS 1 + 2 HISTORIC LANDMARKS

(1) LOUIS BLEDSOE, CHAIRMAN HISTORIC LANDMARKS
1401 KINGSCROSS DR - 377-8339

ITEM #3 - SUB 93-1 + 93-19.

(2) FRED BRYANT, 1850 E 3RD ST, 333-1680 - AGAINST

ITEM #4- 93-20

(1) G BOB CLONINGER, P O BOX 571, 392-0276 - AGAINST
(2) NEIL CASTLES, 1525 STONEYRIDGE DR. 393-2539. AGAINST
(3) LARRY WILLIAMS, 7924 MT. HOLLY RD. 399-6331- FOR (I THINK!)

ITEM #5 93-14

(1) MARK C CRAMER 1130 E 3RD ST, SUITE 210, 347-2538 FOR
(2) PAT DAYTON, 9234 RAVENWING, 549-9475 - AGAINST
(3) R MICHAEL CHILDS, 2301 PEMBROKE AVE - AGAINST

ITEM #9 93-23

(1) FRED BRYANT - FOR
(2) JAMES MUNGO - 1114 NANCY DR - AGAINST
(3) GLENN BAKEL, 2417 E PROVIDENCE DR, 846-4461 - AGAINST
(4) SUSAN GOETZ, 4243 CRAIG AVE, 366-4607 - AGAINST

ITEM #12 93-26

(1) THOMAS C. WEST, 1009 E BLVD, 334-8215 - FOR

EXECUTIVE SESSION MOTION

I move that the City Council hold an executive session upon the conclusion of this meeting for the purpose of conferring with the City Attorney regarding potential litigation involving the remediation of fire pits at the Fire Training Academy as permitted by the State Open Meetings Law

CHARLOTTE

Meetings in May '93

THE WEEK OF MAY 3 - 8

3, Monday

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

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

3 30 p m — CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE - CMGC, Room 271

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

5, Wednesday

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

6, Thursday

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

THE WEEK OF MAY 10 - 14

10, Monday

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

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

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

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

7 00 p m — HISTORIC LANDMARKS COMMISSION - Thies Bldg , 500 N Tryon St , Suite 200

11, 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

12, 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, 7th Floor Conference Room

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

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

13, Thursday

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

2 00 p m — ADVISORY ENERGY COMMISSION - Hal Marshall Center, 700 N Tryon St

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

7 00 p m — YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF MAY 17 - 21

17, Monday

3 30 p m	CITY COUNCIL REGIONALISM COMMITTEE - CMGC, Room 270
5 00 p m	COUNCIL/MANAGER DINNER - CMGC, Meeting Chamber Conference Room
6 00 p m	CITY COUNCIL MEETING/Zoning Hearings - CMGC, Meeting Chamber

18, Tuesday

2·00 p m	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
4 30 p m	COMMUNITY RELATIONS COMMITTEE - Little Rock AME Zion Church, 401 N McDowell St

19, Wednesday

8 30 a m	CIVIL SERVICE BOARD/Hearing (Closed) - CMGC, Room 118
5 00 p m	CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, 7th Floor Conference Room
7 00 p m	METROPOLITAN PLANNING ORGANIZATION - CMGC, Conference Center

20, Thursday

4 00 p m	CITY COUNCIL PUBLIC SERVICES COMMITTEE - CMGC, Room 271
4 30 p m	TRANSIT ADVISORY COMMITTEE - Transit Maintenance & Operations Ctr , 901 N Davidson St
7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION - CMGC, Room 270

THE WEEK OF MAY 24 - 28

24, Monday - 26, Wednesday

CHAMBER INTERCITY VISIT - Minneapolois, Minnesota

24, Monday

3 30 p m	CITY COUNCIL COMMUNITY DEVELOPMENT AND HOUSING COMMITTEE - CMGC, Room 271
3 30 p m	PLANNING COMMISSION/Executive Committee - CMGC, 8th Floor Conference Room
4 30 p m	PLANNING COMMISSION/Work Session - CMGC, 8th Floor Conference Room

25, Tuesday

1 00 p m	ZONING BOARD OF ADJUSTMENT - Hal Marshall Center, 700 N Tryon Street
2 00 p m	CMUD ADVISORY COMMITTEE - Utility Department, 5100 Brookshire Blvd

26, Wednesday

7 45 a m	PRIVATE INDUSTRY COUNCIL - CMGC, Conference Center
4 00 p m	CITY COUNCIL PERSONNEL AND FINANCE COMMITTEE - CMGC, Room 118
5 00 p m	BUDGET PRESENTATION TO CITY COUNCIL - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

27, Thursday

4 00 p m	CHARLOTTE-MECKLENBURG ART COMMISSION - CMGC, 8th Floor Conference Room
4 00 p m	CITY COUNCIL PUBLIC SAFETY COMMITTEE - CMGC, Room 270
7 00 p m	YOUTH INVOLVEMENT COUNCIL - CMGC, Conference Center

MAY 31

MEMORIAL DAY/CITY HOLIDAY All Offices Closed

-30-

These organizations do not have meetings scheduled in May·

Firefighters Retirement Board
Insurance & Risk Management Advisory Board
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, May 17, 1993

McCrory/Martin move #11 93-25 beginning Mon.

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

Presentation on Realignment of City Council Voting Districts.

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

Invocation by Rev. John Daniel Hester, Memorial United Methodist Church.

ITEM NO.

PUBLIC HEARINGS

Mangum/Wheeler Clse. Hrng. unan. Mangum/Wheeler app. unan.

1. Hearing to consider designation of the Bishop Edwin D. Mouzon House, specifically, the entire exterior and interior of the house and the garage and the tract of land upon which it sits, located at 800 Mt. Vernon Avenue, Charlotte, North Carolina, as an historic landmark.

Ord #1 #3563-X B-43 p 63

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

Recommend adoption of an ordinance designating the Bishop Edwin D. Mouzon House, including the exterior and interior of the house and garage and the tract of land upon which it sits as an historic landmark.

Attachment No. 1

McCrory/Wheeler Clse Hrng unan McCrory/Wheeler app unan

2. Hearing to consider designation of the Morgan School, specifically, the entire exterior and interior of the structure and the tract of land upon which it sits, located at 500 South Torrence Street, Charlotte, North Carolina, as an historic landmark.

Ord. #2 #3564-X B-43 p-88

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

Recommend adoption of an ordinance designating the Morgan School, including the exterior and interior of the structure and tract of land upon which it sits, as an historic landmark.

Attachment No. 2

3. (SUB93-1) and (93-19) Hearing on Petition No. SUB 93-1 and 93-19 by Charlotte-Mecklenburg and Planning Commission for a Text Amendment of the City of Charlotte Subdivision Ordinance and the City of Charlotte Zoning Ordinance to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act.

Morgan/Wheeler Clse Hrng. Unan.

These petitions were continued from the April 19 meeting.

Attachment No. 3

4. (93-20) Hearing on Petition No. 93-20 by Charlotte-Mecklenburg Planning Commission for establishment of the Catawba River/ Lake Wylie Watershed Overlay District. This applies to approximately 1,950 acres located generally along portions of Mount Holly Road, Belhaven Boulevard and Tom Sadler Road.

Hammond/McCrory Clse. Hrng.

This petition was continued from the April 19 meeting.

Attachment No. 4

5. (93-14)) Hearing on Petition No. 93-14 by Real Estate and Building Industry Coalition for a Text Amendment to the City of Charlotte Zoning Ordinance for the purpose of modifying the vested rights portion of the ordinance.

McCrory/Patterson Clse. Hrng. Unan.

This petition was deferred at the April 19, 1993 meeting.

Attachment No. 5

Mangum/Scarborough - do #8 93-22 now. Unan.

6. (93-16) Hearing on Petition No. 93-16 by Lance, Inc. for a change in zoning from I-2(CD) to I-2, From R-12MF to I-2(CD) and from R-12MF to I-2 for approximately 1.65 acres located on the north side of Westinghouse Boulevard Extension east of Kings Branch Creek.

Scarborough/Hammond Clse Hrng. Unan.

Attachment No. 6

7. (93-21) Hearing on Petition No. 93-21 by John and Theodora Davidson for a change in zoning from R-5 to R-17MF for two parcels totaling approximately .4 acres located on the southerly side of I-85 east of Tennessee Avenue.

Attachment No. 7

Patterson/McClenny Clse Hrng Unan.

8. (93-22) Hearing on Petition No. 93-22 by Malcolm and Bessie Blankenship for a change in zoning from R-3 to R-MH for approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Road.

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

Attachment No. 8

McCrory/Scarborough Clse Hrng Unan

9. (93-23) Hearing on Petition No. 93-23 by Fawzy and Fatima Banawan for a change in zoning from R-4 to R-8MF(CD) and R-8(CD) for approximately 3.31 acres located on the north side of Craig Avenue just south of Nancy Drive.

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.

Attachment No. 9

Clodfelter/Patterson move #9 - next item Margaret/Patterson Clse Hrng Unan

10. (93-24) Hearing on Petition No. 93-24 by Derrick Knox for a change in zoning from R-12MF to B-1(CD) for approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.

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.

Attachment No. 10

Wheeler/Margaret Clse Hrng Unan

11. (93-25) Hearing on Petition No. 93-25 by David Krug for a change in zoning from B-1 to NS (Neighborhood Services) for several parcels located at the intersection of 7th Street and Caswell Road and East 7th Street and Pecan Avenue.

Attachment No. 11

McCrory/Wheeler Clse Hrng Unan

12. (93-26) Hearing on Petition No. 93-26 by Charlotte Tree Advisory Committee for a text amendment to change the size of required trees in several sections of the City's Zoning Ordinance.

Wheeler/Pond Cont. to Aug. unan.

Attachment No. 12

BUSINESS AGENDA

13. **ELECTION FILING FEES**

Morgan/Patterson Aff. unan

Recommend that the City Council set the filing fees for the Office of Mayor and City Council for the 1993 municipal elections.

State Law requires that the filing fee for municipal primaries must be fixed by the City Council not later than the day before candidates are permitted to begin filing notices of candidacy. Filing for party nominations for Mayor and City Council will begin on Friday, July 2. Pursuant to the North Carolina law governing partisan municipal elections, the City Council has the discretion to set the filing fee at not less than $5 nor more than 1% of the annual salary of the office being sought. The filing fees for Mayor and City Council candidates in 1991 were $200 for the Office of Mayor and $120 for the Office of City Council. The Board of Elections requests that the City Council set the filing fees now in order to provide adequate time for preparation to open candidate filing on July 2.

14. **CONVENTION CENTER STRUCTURAL STEEL CHANGE ORDER NO. 3.**

Patterson/Morgan Aff. unan

Recommend approval of Change Order No. 3 to the contract with Cives Corporation in the amount of $1,098,491.30 to perform additional structural steel work for the new Charlotte Convention Center. This will increase the contract amount from $11,551,576 to $12,650,067.30.

Explanation: Because the new convention center is using the fast track method of construction it was necessary to bid and award the structural steel contract before the final detailing of the design was complete. The structural steel design is now complete and this change order with Cives Steel Company provides for a portion of additional and revised members of structural steel.

As negotiations on the remaining design changes are completed, additional change orders will be forthcoming on structural steel.

15. **CONVENTION CENTER PRECAST CONCRETE BIDS**

Recommendation: The City Engineer and the Construction Manager recommend that the low negotiated bid by Exposaic Industries, of NC in the amount of $2,585,391.00 be accepted for award.

MWBE Status:	Amount	% of Project	Proj Goals
MBE	$281,712.00	4.3%	4%
WBE	$180,000.00	2.8%	2%

Project Description: Contract scope consists of all interior and exterior precast concrete panels inclusive of design calculations and certifications, associated supporting steel, joint sealant caulking, and water repellent application.

Summary of Bids:

EXPOSAIC INDUSTRIES, OF NC	$2,585,391.00 *
COLUMBIA CONCRETE PRODUCTS	$7,705,966.00
CSC CONCRETE COMPANY	$8,457,228.00

* The low bid was negotiated from $6,522,862.00 to $2,585,391.00.

Explanation: The original bid of $6,522,862.00 is 46.3% over the Construction Manager's estimate of $3,504,403.00. This overrun against the budget necessitated negotiation of the bid amount by incorporating cost reduction items. Reductions include elimination of several areas of precast concrete inside and on the exterior of the building. Future change orders will be needed to add less expensive materials to replace this precast concrete.

Attachment No. 15

Patterson McCarley app. 9-1 No Majeed

DECISIONS

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

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

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

Attachment No. 16

Patterson Reid app 9-1 No Wheeler Martin

Ord #3 #3565 B-43 P-72

Ord #4 #3566-2 B-43 P-76

17. (93-15) Decision on Petition No. 93-15 by Harry G. Kostopoulos and Pete H. Kanellopoulos for a change in zoning from R-3 to R-4(CD) and B-2(CD) for a 3.6 acre site located on the north side of Albemarle Road east of Jamison Place.

Patterson/Reid app

Subst. to Deny Hammond/Cloodfelter

Subst Vote - YES Hammond, Cloodfelter, Mangum, Martin, + Scarborough (5 5)

The Zoning Committee recommends that this petition be approved.

Attachment No. 17

Orig Vote to approve - YES - Patterson, Reid, Vinroot, McCrory, Wheeler, & Majeed

18. (93-17) Decision on Petition No. 93-17 by Larry D. Campbell for a change in zoning from R-4 to B-2(CD) for a 2.4 acre site located on the east side of Statesville Road north of Cindy Lane.

Patterson/Reid Defer 30 days unan.

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

Attachment No. 18

Ord. #5 #3567-2 B-43 P-79

19. (93-18) Decision on Petition No. 93-18 by Charlotte-Mecklenburg Senior Centers, Inc. for a change in zoning from R-4 to R-17MF for a 5.5 acre site located on the north side of Tyvola Road adjacent to Marion Diehl Park.

Patterson/Mangum app - unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 19

Res #1 B-31 P-70

20. Recommend adoption of a Resolution calling for a joint public hearing between the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, June 21, 1993 at 6:00 p.m. to consider designation of the John and Idella Mayes House as an historic landmark.

Mangum/Martin app unan

Res. #2 B-31 P-72

21. Recommend adoption of a Resolution calling for public hearings on Monday, June 21, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos. 93-27 through 93-36 for zoning changes.

Mangum/Patterson app + add Petition 93-37 unan.

#22 Martin/Patterson approve Exec. Session unan.

Mangum/Martin adjourn unan 10:50 p.m.

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "Bishop Edwin D Mouzon House (specifically, the entire exterior and interior of the house and the garage and the tract of land recorded under Tax Parcel Number 123-093-01) located at 800 Mt Vernon Avenue, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte Mecklenburg Historic Landmarks Commission

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

Background - The Commission judges that the property known as the Bishop Edwin D Mouzon House does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) Bishop Edwin D Mouzon, born in Spartanburg, South Carolina in 1869, began his service as a Methodist minister in 1889 in the Texas conference 2) Bishop Mouzon was elected to the office of bishop in May, 1910 3) Bishop Mouzon presided over most of the conferences of the church in the United States as well as those of Mexico and South America, 4) Bishop Mouzon served as a delegate to the ecumenical conferences of the world in Toronto (1911), London (1921), and Atlanta (1931) 5) Bishop Mouzon set up the Methodist church of Brazil in 1930, 6) Bishop Mouzon was a widely known and respected preacher and author 7) Bishop Mouzon and his second wife, Mary Pearl Langdon Mouzon moved to Charlotte in 1927, 8) Bishop Mouzon was one of the country's most prominent churchmen and the senior bishop of the Southern Methodist Church at the time of his death in 1937, 9) the Bishop Edwin D Mouzon House was designed by the Charlotte architect, Marvin W Helms 10) Helms a Mecklenburg County native who was associated with C C Hook, learned architecture by apprenticeship 11) Helms designed hundreds of Methodist rural churches funded by the Duke Foundation 12) Helms was particularly adept at Gothic detail and designed the 1926 sanctuary for the Dilworth Methodist Church 13) the Bishop Edwin D Mouzon House, completed in 1927, is architecturally significant as an Eclectic House built in the Tudor style 14) the Bishop Edwin D Mouzon House has many exterior features, such as the Tudor false half-timbering with stucco infill that are intact and in good condition 15) the Bishop Edwin D Mouzon House has many interior appointments, such as the fireplaces and the woodwork, that are intact and in very good condition and 16) the Bishop Edwin D Mouzon House can provide valuable insight into "life in the streetcar suburb" of Dilworth

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

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $677 44 in city tax and $1 180 89 in Mecklenburg County tax

Clearances - The Department Review process revealed no conflict between the proposed designation and other City projects

Bibliography - Survey and Research Report on the Bishop Edwin D Mouzon House (28 December 1992)

For Office Use Only

Date Submitted 6 May 1993

Agenda Date Requested 17 May 1993

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

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

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

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

An Ordinance designating as Historic Landmark a property known as "Bishop Edwin D. Mouzon House" (listed under Tax Parcel Number 123-093-01 and including the entire exterior and the entire interior of the Bishop Edwin D. Mouzon House and the entire exterior and the entire interior of the garage located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 123-093-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by Charles Thomas Humphries and Nancy E. Humphries, is located at 800 Mt. Vernon Avenue, Charlotte, Mecklenburg County, North Carolina.

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

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the _____ day of _____, 1993, on the question of designating a property known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01) as historic landmark, and

WHEREAS, Bishop Edwin D Mouzon, born in Spartanburg, South Carolina in 1869, began his service as a Methodist minister in 1889 in the Texas conference, and

WHEREAS, Bishop Edwin D Mouzon was elected to the office of bishop in May, 1910, and

WHEREAS, Bishop Edwin D Mouzon presided over most of the conferences of the Methodist Church in the United States, as well as those of Mexico and South America, and

WHEREAS, Bishop Edwin D Mouzon served as a delegate to the ecumenical conferences of the world in Toronto (1911), London (1921), and Atlanta (1931), and

WHEREAS, Bishop Edwin D Mouzon set up the Methodist Church of Brazil in 1930, and

ORDINANCE - **Bishop Edwin D. Mouzon House**

WHEREAS, Bishop Edwin D Mouzon and his second wife, Mary Pearl Langdon Mouzon, moved to Charlotte in 1927, and

WHEREAS, Bishop Edwin D Mouzon was one of the country s most prominent churchmen and the senior bishop of the Southern Methodist Church at the time of his death in 1937, and

WHEREAS, the Bishop Edwin D Mouzon House was designed by the Charlotte architect, Marvin W Helms, and

WHEREAS, Marvin W Helms, a Mecklenburg County native who was associated with C C Hook, learned architecture by apprenticeship, and

WHEREAS, Marvin W Helms designed hundreds of rural Methodist churches funded by the Duke Foundation, and

WHEREAS, Marvin W Helms was particularly adept at Gothic detail and designed the 1926 sanctuary for the Dilworth Methodist Church, and

WHEREAS, the Bishop Edwin D Mouzon House, completed in 1927, is architecturally significant as an Eclectic House built in the Tudor style, and

WHEREAS, the Bishop Edwin D Mouzon House is architecturally significant for the many exterior features and appointments, such as the Tudor false half-timbering with stucco infill, intact and in very good condition, and

WHEREAS, the Bishop Edwin D Mouzon House is architecturally significant for the many interior features and appointments, such as the fireplaces and the woodwork, intact and in very good condition, and

WHEREAS, the Bishop Edwin D Mouzon House can provide valuable insight into "life in the streetcar suburb" of Dilworth, and

WHEREAS, the original historic fabric of the exterior and the interior of the Bishop Edwin D Mouzon House is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Bishop Edwin D Mouzon House because consent for interior design review has been given by the Owners, and

WHEREAS, the current Owners, Charles Thomas Humphries and Nancy E Humphries, have faithfully maintained the Bishop Edwin D Mouzon House and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

ORDINANCE - Bishop Edwin D. Mouzon House

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01), possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Bishop Edwin D Mouzon House possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the Bishop Edwin D Mouzon House is owned by Charles Thomas Humphries and Nancy E Humphries,

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

1 That the property known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01 and including the exterior and the interior of the Bishop Edwin D Mouzon House and the exterior and the interior of the garage) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 800 Mt Vernon Avenue, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of Bishop Edwin D Mouzon House* (28 December 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the arched foyer, halls, stairway, sun porch, basement, attic, and rooms of the Bishop Edwin D Mouzon House and includes the following items in those areas the original floors, the woodwork and moldings, the plaster walls, the plaster decorative elements, the Corinthian columns set on built-in cabinets, the built-in cupboards, the large windows, the fire surrounds, the glass paneled doors, the wooden doors, the glass door knobs, the brass keyholes, the hardware

and fixtures, the volume and shapes of the interior spaces provided in the Eclectic House built in the Tudor style and other interior features that are part of the original historic fabric of the building

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

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

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

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

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

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

_____
Clerk to City Council

Approved as to form

/S/ _____
City Attorney

Charlotte Mecklenburg Historic Landmarks Commission

6 May 1993

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

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *Bishop Edwin D Mouzon House* The owners, Charles Thomas Humphries and Nancy E Humphries, have indicated approval of the prospect of designation Consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 11 January 1993 The results are as follows

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

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

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

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MECKLENBURG COUNTY

Office of the Tax Administrator

January 21, 1993

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

RE Parcel Number 123-093-01
Bishop Edwin D Mouzon House
800 Mt Vernon Avenue

Dear Ms Black

Based on the current assessment and tax rate, the potential amount of deferrable taxes on the above mentioned property would be $677 44 for the City of Charlotte and $1,180 89 for Mecklenburg County

Very truly yours,

Bernard White
Assistant Tax Administrator

BW/sn

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

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

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

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

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

March 23, 1993

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

Re: BISHOP EDWIN D. MOUZON HOUSE
800 Mt. Vernon Avenue, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of January 14, 1993, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owners of the above-described property are **CHARLES THOMAS HUMPHRIES and wife, NANCY E. HUMPHRIES**, 800 Mt. Vernon Avenue, Charlotte, N. C. 28203, subject only to the lien of Deed of Trust in favor of:

Frank W. Ix, Trustee for
Bank of Mecklenburg
2000 Randolph Road
Charlotte, North Carolina 28207

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

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James B Hunt, Jr, Governor
Betty Ray McCain, Secretary

Division of Archives and History
William S Price, Jr, Director

March 2, 1993

Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P.O. Box 35434
Charlotte, NC 28235

Re: Survey and Research Report on the **Bishop Edwin D. Mouzon House, 800 Mt. Vernon Avenue, Charlotte, Mecklenburg County**

Dear Ms. Black:

Thank you for your January 14, 1993, letter and the report for local designation of the property referenced above. The letter and report were received in our office February 12, 1993. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

We understand that the commission is recommending that the exterior and interior of the house and garage and the tax parcel of land listed as number 123-093-01 (.347 acres) be designated as a historic landmark.

Built in 1927 in Dilworth, Charlotte's first streetcar suburb, the house is a substantially intact example of the Tudor Revival style. It was designed by Charlotte architect Marvin Helms as a residence for Bishop Edwin D. Mouzon, a senior bishop of the Southern Methodist Church. Although not mentioned in the report, we noted that the property is a contributing property in the Dilworth Historic District listed in the National Register of Historic Places in 1987.

It is our opinion that designation of the exterior of the house, specified features of the interior, and the land parcel is appropriate. We are unable to make full comment on the garage without an architectural description and additional photographs or slides. We recommend that the report be amended to include a description of the exterior and interior of the garage. This clarification will strengthen the report and answer questions that may arise later.

We would like to make a recommendation regarding the designation ordinance itself. It should specifically identify the interior features to be included in the designation and the nature of the commission's jurisdiction over those features so it is clearly

established, both for the commission members and for the property owner, what kinds of interior changes will require commission review. This is particularly important because of the changes and remodeling the house interior has undergone.

Thank you for the opportunity to comment on this report. This property is most worthy of the recognition and protection of landmark designation and we strongly support the commission's recommendation for designation. As you requested, I am returning your slides and photographs. Should you have any questions regarding our comments, please feel free to contact me at 919-733-6545.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

enclosures

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

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS FOR INTERIOR DESIGN REVIEW

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

Bishop Edwin D Mouzon House

located at *800 Mt Vernon Avenue, Charlotte, North Carolina*

Signature Nancy Humphries
(Owner)

Name (Print) Nancy Humphries

Date 1/8/93

Signature C Thomas Humphries
(Owner)

Name (Print) C Thomas Humphries

Date 1/8/93

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Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS FOR INTERIOR DESIGN REVIEW

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

Garage at the Bishop Edwin D Mouzon House

located at *800 Mt Vernon Avenue, Charlotte, North Carolina*

Signature Mary Humphries
(Owner)

Name (Print) Mary Humphries

Date 1/1/93

Signature Tom Humphries
(Owner)

Name (Print) Tom Humphries

Date 1/8/93

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Charlotte Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

Bishop Edwin D. Mouzon House

Findings

The Department Review Process revealed no conflict between the historic designation and proposed public plans or projects

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	No relation to Department Plans, CIP Projects or permits granted or under consideration
Parks and Recreation	-	Closest facility is Latta Park and Recreation Center, no impact No relation to CIP Projects or permits granted or under consideration
Planning Commission/Historic District Commission	-	This property is within the area covered by the Central District Plan, which is currently under consideration by elected officials The plan calls for no rezonings affecting this property No relation to CIP Projects or permits granted or under consideration Other comments This house is within the Dilworth Local Historic District, and is under design review jurisdiction of the Historic District Commission Also, it is located within the Dilworth National Register Historic District
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No relation to Department Plans, CIP Projects or permits granted or under consideration

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CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

BISHOP EDWIN D. MOUZON HOUSE
800 Mount Vernon Avenue

According to the Charlotte Mecklenburg Thoroughfare Plan (1988):

> Mount Vernon Avenue and Lafayette Avenue are local residential streets requiring a minimum of 50 feet of right-of-way. According to the tax map, sufficient right-of-way exists to meet this requirement.

Charlotte Department of Transportation
22 January 1993

Bishop Edwin D
Mouzon House
800 Mt Vernon Avenue
Charlotte, N C
Front or north facade

Lafayette Avenue
or West Facade

Back or
South Facade

CHARLOTTE

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "Morgan School" (specifically, the entire exterior and interior of the structure and the tract of land recorded under Tax Parcel Number 125 225-02) located at 500 South Torrence Street, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte-Mecklenburg Historic Landmarks Commission

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

Background - The Commission judges that the property known as the Morgan School does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) Morgan School was constructed in 1925 and opened in 1927, 2) the Morgan School is an important institutional landmark in the African-American community of Cherry and is one of the few such historical landmarks to remain in the neighborhood, 3) the Morgan School is associated with the history of education for African-Americans, 4) the Morgan School is the work of an important regional architect, Louis H Asbury, Sr , one of the first professional architects in Charlotte and a founding member of the North Carolina Chapter of the American Institute of Architects, 5) the Morgan School is architecturally significant for the many exterior features and appointments, such as the molded stone cornice and the decorative concrete panels, intact and in very good condition, 6) the Morgan School is architecturally significant for the many interior features and appointments, such as the hardwood floors and steam radiators, intact and in very good condition, and 7) the Morgan School is significant as a fine example of early 20th century school construction reflecting Beaux Arts classicism and Revival detailing

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

Deferrable Taxes - Attached is a letter from the Mecklenburg County Tax Administrator stating that the the subject property is exempt from ad Valorem taxes

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

Bibliography - Survey and Research Report on the Morgan School (23 October 1992)

For Office Use Only

Date Submitted 6 May 1993

Agenda Date Requested 17 May 1993

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

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

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

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

An Ordinance designating as Historic Landmark a property known as "Morgan School" (listed under Tax Parcel Number 125-225-02 and including the exterior and the interior of the Morgan School located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 125-225-02 in the Mecklenburg County Tax Office. The property, owned by the Charlotte-Mecklenburg Board of Education, is located at 500 South Torrence Street, Charlotte, Mecklenburg County, North Carolina.

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

WHEREAS, the City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the _____ day of _____, 1993, on the question of designating a property known as the Morgan School (listed under tax parcel Number 125-225-02) as historic landmark, and

WHEREAS, the Morgan School was constructed in 1925 and opened in 1927, and

WHEREAS, the Morgan School is an important institutional landmark in the African-American community of Cherry and is one of the few such historical landmarks to remain in the neighborhood, and

WHEREAS, the Morgan School is associated with the history of education for African-Americans, and

WHEREAS, the Morgan School is the work of an important regional architect, Louis H Asbury, Sr , one of the first professional architects in Charlotte and a founding member of the North Carolina Chapter of the American Institute of Architects, and

WHEREAS, the Morgan School is architecturally significant for the many exterior features and appointments, such as the molded stone cornice and the decorative concrete panels, intact and in very good condition, and

ORDINANCE - Morgan School

WHEREAS, the Morgan School is architecturally significant for the many interior features and appointments, such as the hardwood floors and steam radiators, intact and in very good condition, and

WHEREAS, the Morgan School is significant as a fine example of early 20th century school construction reflecting Beaux Arts classicism and Revival detailing, and

WHEREAS, the original historic fabric of the exterior and the interior of the Morgan School is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Morgan School because consent for interior design review has been given by the Owner, and

WHEREAS, the current Owner, the Charlotte-Mecklenburg Board of Education, has faithfully maintained the Morgan School and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Morgan School (listed under tax parcel Number 125-225-02), possesses a structure having integrity of design, setting, workmanship, materials, and/or association, and

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

WHEREAS, the property known as the Morgan School is owned by the Charlotte-Mecklenburg Board of Education,

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

1 That the property known as the Morgan School (listed under tax parcel Number 125-225-02 and including the exterior and the interior of the Morgan School) is hereby designated as an historic landmark pursuant to

Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 500 South Torrence Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of Morgan School* (23 October 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the entrance, halls, stairways, restrooms, offices, cafeteria, kitchen and classrooms of the Morgan School and includes the following items in those areas the original floors, the woodwork and moldings, the plaster walls, the inset cupboards, the large windows, the built-in bulletin boards and blackboards, the cloak rooms, the doors, the hardware and fixtures, the volume and shapes of the interior spaces provided by the Beaux Arts style of school construction and other interior features that are part of the original historic fabric of the building

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

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

Charlotte-Mecklenburg Historic Landmarks Commission

6 May 1993

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

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *Morgan School* The owner, the Charlotte-Mecklenburg Board of Education, has indicated approval of the prospect of designation Consequently, the public hearing should take very little time

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

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

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

Sincerely,

Nora M Black

Nora M Black
Architectural/Historical Consultant

Enclosures

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

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

MECKLENBURG COUNTY

Office of the Tax Administrator

December 17, 1992

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

RE Morgan School
500 South Torrence Street
Charlotte, North Carolina
Parcel No 125-225-02

Dear Ms Black

This property is owned by the Charlotte-Mecklenburg County Board of Education and is therefore exempt from ad valorem taxes

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

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

HELMS, CANNON, HAMEL & HENDERSON
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
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H PARKS HELMS
THOMAS R CANNON
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DAVID L HENDERSON
CHRISTIAN R TROY
BRUCE L JAMES
WILLIAM B HAMEL

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

February 2, 1993

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

Re: **MORGAN SCHOOL**
500 South Torrence Street, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of December 16, 1992, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is the **BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF CHARLOTTE (now the Charlotte-Mecklenburg Board of Education), c/o Mr. Bill Hance, Physical Facilities, 3114 Bank Street, Charlotte, North Carolina 28203.** There are no other parties to be notified of a joint public hearing, as far as we are able to determine.

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

With kind regards, I am

Yours very truly

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

January 13, 1993

Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P.O. Box 35434
Charlotte, NC 28235

Re: Survey and Research Report on the **Morgan School, 500 South Torrence Street, Charlotte, Mecklenburg County**

Dear Ms. Black:

Thank you for your December 16, 1992, letter and the report for local designation of the property referenced above. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

The commission is recommending that the building exterior, the interior, and the Tax Parcel of land listed under 125-225-02 be locally designated as a historic landmark.

It is our opinion that designation of the exterior, specified features of the interior, and the land parcel is appropriate. Built in 1925, the school is a well maintained two story, red brick, rectangular building with a one story red brick cafeteria addition projecting from the rear. The design reflects Beaux Arts classicism and typifies early twentieth century school construction. There is evidence the building was designed by prominent Charlotte architect Louis H. Asbury. The school was built to serve as an elementary school for the African-American community of Cherry, a model planned community created and platted in 1891 by local farmer John Springs Myers on a portion of his 1,000 acre cotton farm, then located outside the southeast city limits of Charlotte. The school is one of the few institutional landmarks remaining in this unique community. It is still in use by the public school system. This property is most worthy of the recognition and protection of local designation.

We would like to mention an apparent inconsistency in the report concerning the size of the lot. The Historical Background section gives the size of the lot as 180 feet X 120 feet; the Architectural Description gives the lot size as 180 feet X 200 feet; and the map shows even larger lot dimensions. The original lot size should be clarified and the exact acreage proposed for designation should be specified. If the acreage proposed for designation is larger than

the original lot, a brief explanation should be given. This clarification will strengthen the report and answer questions that may arise later.

We would like to make two suggestions regarding the designation ordinance itself. It should specifically identify the interior features to be included in the designation and the nature of the commission's jurisdiction over those features so it is clearly established, both for the commission members and for the property owner, what kinds of interior changes will require commission review. The ordinance should also contain an accurate verbal description of the boundary of the designated property and the amount of acreage.

Thank you for the opportunity to comment on this report. We strongly support the commission's recommendation for designation. As you requested, I am returning your slides and photographs. Should you have any questions regarding our comments, please feel free to contact me at 919-733-6545.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

enclosures

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNERS FOR INTERIOR DESIGN REVIEW

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

Morgan School

located at Cherry Neighborhood, Charlotte, NC

Signature _____ (Owner)

Name (Print) John A. Murphy

Date June 26, 1992

Signature _____ (Owner)

Name (Print) George E. Battle, Jr.

Date June 26, 1992

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Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

Morgan School

Findings

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

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering	-	Copy of Engineering comments and map attached
Parks and Recreation	-	No response
Planning Commission/Historic District Commission	-	The Cherry Small Area Plan recommends reusing this building as a neighborhood school No relation to CIP Projects or permits granted or under consideration Other comments The reuse of this building as a school would require extensive interior renovation
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No relation to Department Plans, CIP Projects or permits granted or under consideration Map of adjacent utilities was provided

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Charlotte-Mecklenburg Historic Landmarks Commission

HISTORIC LANDMARKS COMMENT FORM

Return to P O Box 35434
Charlotte, North Carolina 28235

Date Mailed 17 December 1992

Response Due Date 15 January 1993

Property Description

Name *Morgan School* Location Cherry neighborhood

Address 500 South Torrence Street, Charlotte, North Carolina

Tax Parcel Number. 125-255-02

Physical Description See attached Tax Map and Photograph
Entire tax parcel being recommended for designation

Comments

Relation to Department Plans and Projects _____

Relation to Capital Improvement Program Projects Property is located within the Cherry Neighborhood Reinvestment Area

Relation to Permits Granted or Under Consideration _____

Other Comments A storm drainage study performed in 1992 indicates a need to upgrade an existing system that crosses the property (See attached map) (over)

Submitted By

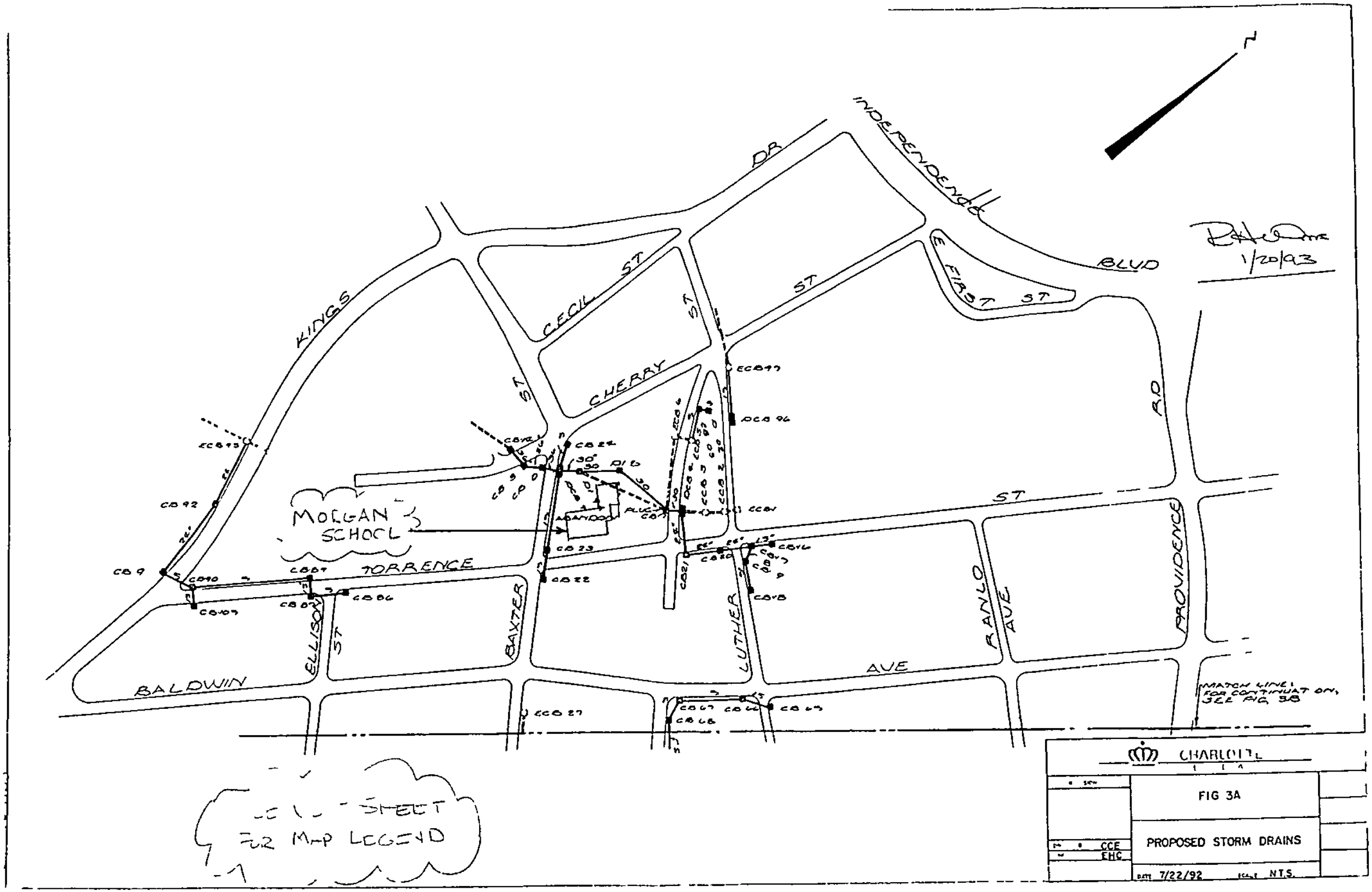
Signature Richard A. Williams Print Name Richard A Williams

Department Engineering

Date 1/20/93

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

Planning for the Cherry Neighborhood has not been completed The information contained in the drainage study will be used to establish priorities and determine what improvements will be accomplished in the near future


N
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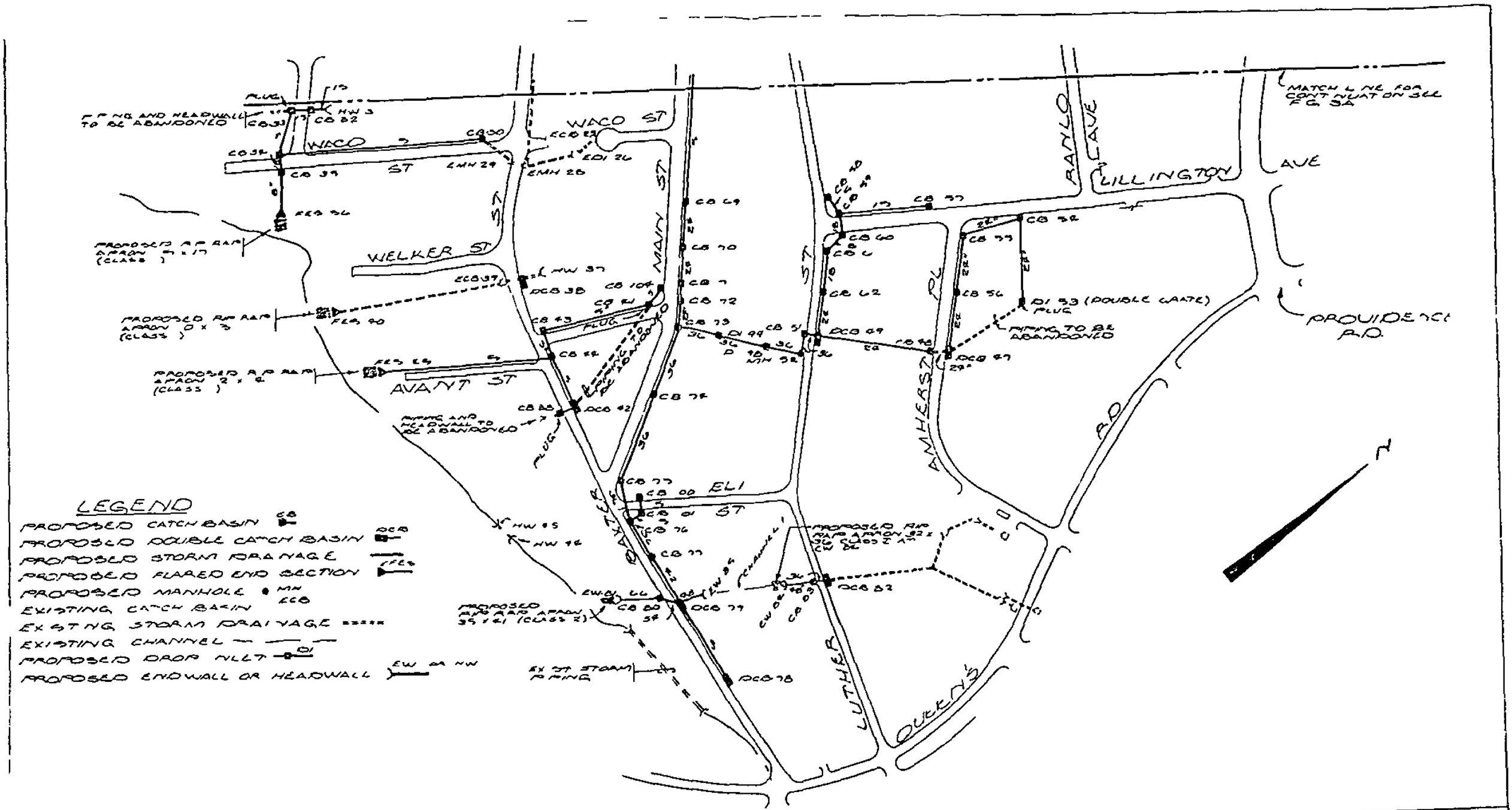
ELLISON ST
BAXTER
LUTHER
RANLO AVE
AVE
PROVIDENCE
MATCH LINE FOR CONTINUATION SEE FIG 3B
SEE SHEET FOR MAP LEGEND
1/20/93
CHARLOTTE
FIG 3A
PROPOSED STORM DRAINS
CCE
EHC
DATE 7/22/92
SCALE N.T.S.



CHARLOTTE
ENGINEERING DEPARTMENT

FIG 3B

PROPOSED STORM DRAINS

CCE
EHC

7/22/92 NTS

CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

MORGAN SCHOOL
500 South Torrence Street

According to the Charlotte Mecklenburg Thoroughfare Plan (1988).

Baxter Street is a collector street with a current right-of-way width of 50 feet (25 feet measured from the centerline of Baxter Street. According to the Comprehensive Street Classification System, a collector street should have a minimum right-of-way of 60 feet (30 feet measured from the centerline of the roadway). Therefore CDOT requests that an additional 5 foot strip along Baxter Street be excluded from the historic designation to meet the minimum requirements.

South Torrence Street is a local residential street with a current right-of-way width of 50 feet (25 feet measured from the Centerline of South Torrence Street). According to the tax map, sufficient right-of-way exists to meet this requirement.

Charlotte Department of Transportation
15 January 1993

Morgan School
500 South Torrence Street
Charlotte, North Carolina

East Elevation

Last Elevation, Main Entrance

South and East Elevations

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 6, 1993

Mayor and City Council:

RE: Petitions to be Heard in May, 1993

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, May 17, 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 (LS)

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

ADDENDUM

PRE-HEARING STAFF ANALYSIS*
Rezoning Petitions No. 93-19 and SUB 93-1

Petitioner: Charlotte-Mecklenburg Planning Commission

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

BACKGROUND

Recent State legislation requires all jurisdictions located in areas of water supply watersheds to adopt certain minimum development standards for the purpose of water supply protection. Public hearings on proposed text amendments to the City of Charlotte Zoning Ordinance and Subdivision Ordinance to comply with the State requirement were opened on April 19, 1993 and continued until May 17, 1993. During this period of continuation, staff has tried to address some of the concerns raised by City Council, staff, and the public to date. This amended package is in three parts.

Part I-A & B These are the revised drafts for the Zoning Ordinance and Subdivision Ordinance text amendments. Staff has attempted to address some of the issues to date. These changes mostly include minor editorial changes and clarifying corrections. Two new sections in the Zoning Ordinance have been added to address the issues of applicability exceptions for existing developments (Section 10.603) and variances and appeals that would exceed the minimum State watershed requirements (Section 10.610).

Part II-A & B This includes an "Option B" for the Protected Area Development Standards which is in response to City Council's request for possible standards that would exceed the minimum State requirements and be compatible with the Mountain Island Lake Watershed development standards being adopted by the Mecklenburg County Board of County Commissioners. Option B consists of alternate sections which could be substituted into the proposed Zoning and Subdivision text amendments. Under Option B the maximum allowable built upon area per project would be limited to 50% Built Upon instead of 70% as proposed. Minimum buffer widths for the low density option would increase from 30' to 50'. Certain uses would also be prohibited. The changes shown in Option B would amend the proposed Protected Area Standards to meet the proposed PA 1 (Protected Area 1) standards for the Mountain Island Lake Watershed.

Part III. This part contains the recommended language from the City Engineering Department to be substituted into the proposed Zoning and Subdivision text amendments. This language addresses the installation and maintenance of the required structural BMP's under the High Density Option. This proposed language would allow for the integration of the Structural BMP installation and maintenance responsibilities into the established procedures of the City Engineering Department and the City's new Storm Water Utility.

*Subject to further refinement following public hearing.

REVISED 7/5/93

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PART I-A

ORDINANCE NO. _____ AMENDING CHAPTER 20

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

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

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

1. Amend Section 7.200 by:

A. Add following new paragraph:

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

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

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries.

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

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

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

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

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or

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to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

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

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

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

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

NORMAL POOL ELEVATION. The Catawba River/Lake Wylie normal pool elevation as determined by the United States Geological Survey (U.S.G.S.) Datum.

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

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

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

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

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

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1. Critical Area Development Standards:

(not used)

2. Protected Area Development Standards:

Minimum lot area -

minimum required in underlying zoning district

Maximum Allowable Built Upon Area Per project (% B.U.).

low density option - 24%
high density option - 70%
(structural BMP's)*

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

Cluster Development is allowed within the Protected Area.

BUFFER AREAS REQUIREMENTS. Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream. In the Protected Area the minimum buffer widths are as follows:

low density option - 30'
high density option - 100'

No permanent structures, built upon areas, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

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

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

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

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

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

e. In the protected area non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of thirty feet (30') from the stream bank.

3. Posting of Financial Security Required

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

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Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____

City Attorney

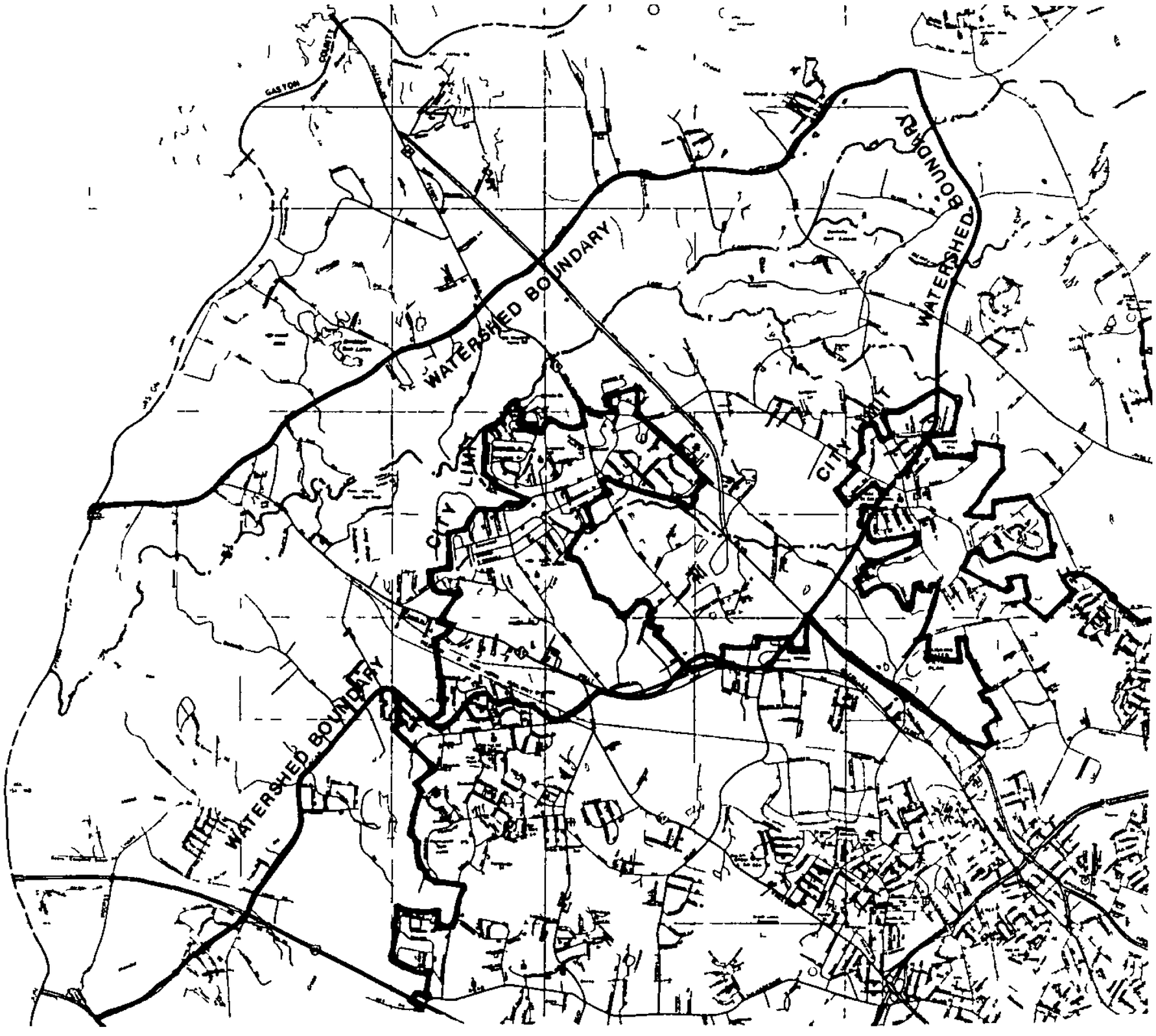
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, is regular session convened on the _____ day of _____, 19 ____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, beginning on Page _____.

_____

Brenda Freeze, City Clerk

CATAWABA RIVER / LAKE WYLIE WATERSHED PROTECTION AREA

Appendix A (Ref. Section 7.200.11)



Scale:
1" =6,000'

N

KEVISED 5/3/93

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PART I-B

Petition No.
Petitioner: CMPC

ORDINANCE NO. _____

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

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

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

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

1. Amend Chapter 10: OVERLAY DISTRICTS by:

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

Part 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Section 10.601 Purpose

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

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries. The Catawba River/Lake Wylie Watershed Protection subareas are specifically defined on the City of Charlotte Zoning Maps.

Section 10.602 General Definitions

For the purposes of Chapter 10 Part 6, the following words and phrases shall be defined as specified below.

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

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

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

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

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

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

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

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

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

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

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

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

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

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

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

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

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

Normal Pool Elevation. The Catawba River, Lake Wylie normal pool elevation as determined by United States Geological Survey (U.S.G.S.) Datum.

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

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

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

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

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total

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number of parcels or lots is not increased [illegible] parcels are equal to the standards of this ordinance.

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

3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.

5. The division of land plots or lots for use as a cemetery.

6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.

7. The lease of space or other area within a building owned by the landlord.

8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.

9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.

11. Transfers of tracts or parcels by inheritance or bona fide gift.

12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its

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basic purpose, such as boat ramps, boat house[illegible] ads and similar structures. Ancillary facilities [illegible] utlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

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

Section 10.603 Exceptions to Applicability

1. Existing Development, as defined in this Part is not subject to the requirements of this Part. Expansion to structures classified as existing development must meet the requirements of this Part, however, the built upon area of the existing development is not required to be included in the calculations.

2. An existing lot, as defined in this Part, owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Part.

Section 10.604 not used

Section 10.605 Uses and Standards established

1. Critical Areas (not used)

2. Protected Area

The intent is to allow development with fewer restrictions in the protected area than in a critical area because the risk of water quality degradation from pollution is less in the protected area than in a critical area. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.

(A) Uses Permitted By Right

All those permitted in the underlying zoning district.

(B) Uses Permitted under Prescribed Conditions

All those permitted in the underlying zoning district and:

1. Structural BMP's, where allowed under the High Density Option, subject to regulations of Section 10.609

2. Storage of Hazardous Materials, subject to the filing of a spill/failure containment plan with the City of Charlotte Fire Department.

(C) Permitted Accessory Uses and Structures

All those permitted in the underlying zoning district.

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Section 10.606 Development Standards for the Catawba River/Lake Wylie Watershed Overlay

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

1. Critical Area (not used)

2. Protected Area

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

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

Maximum allowed in underlying district

2. Minimum lot area

Minimum required in underlying district

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

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

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

Footnote to Chart 10.606.2(A3)

(1) High Density Option - See Section 10.609

Section 10.607 Cluster Development

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

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

2. % B.U. shall not exceed the allowed % B.U. for the watershed area. [Section 10.606.2(A1)]

3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious

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

4. Subject to the buffer area requirements of Section 10.608.

Section 10.608 Buffer areas Required

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

1. Critical Area (not used)

2. Protected Area

In the protected area the minimum buffer areas are as follows:

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

3. Additional buffer requirements:

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

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

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

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

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

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e. Non-impervious recreational develop[illegible] pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

Section 10.609 <u>High Density Option</u>

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

1. High Density Permit Application.

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

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

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

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

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

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

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

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

         d. Permit application fees.

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2. Stormwater Control Structures

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

B. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual and other published standards of the City Engineering Department.

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

D. The design of the stormwater control structure shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

3. Posting of Financial Security Required

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

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acceptance of maintenance responsibilities and requiring granting of appropriate easements for ingress and egress.

4. Additional Requirements

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

Section 10.610 Appeals and Variances

A. Appeals and variances from this part that do not exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission shall be subject to Chapter 5 of these regulations.

B. Appeals and variances from this part that exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission will be subject to Chapter 5 of these regulations and the subject to review and approval by the North Carolina Environmental Management Commission.

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

Approved as to form:

_____
City Attorney

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

_____
Brenda Freeze, City Clerk

PART II-A

OPTION B:

DRAFT

Substitute Page 3 for proposed Catawba River/Lake Wylie Watershed Protection Subdivision Ordinance Text Amendment Rezoning Petition No. SUB 93-1.

2. Protected Area Development Standards:

Minimum lot area -

minimum required in underlying zoning district

Maximum Allowable Built Upon Area Per project (% B.U.).

low density option - 24%
high density option - 50%
(structural BMP's)*

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

Cluster Development is allowed within the Protected Area.

BUFFER AREAS REQUIREMENTS. Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream. In the Protected Area the minimum buffer widths are as follows:

low density option - 50'
high density option - 100'

No permanent structures, built upon areas, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

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

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

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

PART II-B

OPTION B:

DRAFT

Substitute Sections 10.605, 10.606, and 10.608 for Proposed Catawba River/Lake Wylie Watershed Zoning Ordinance Text Amendment, Rezoning Petition No. 93-19

Section 10.605 Uses and Standards established

1. **Critical Areas** (not used)

2. **Protected Area**

   The intent is to allow development with fewer restrictions in the protected area than in a critical area because the risk of water quality degradation from pollution is less in the protected area than in a critical area. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.

   (A) **Uses Permitted By Right**

   All those permitted in the underlying zoning district except as provided in Section 10.605.2(D).

   (B) **Uses Permitted under Prescribed Conditions**

   Those listed below and all those permitted in the underlying zoning district except as provided in Section 10.605.2(D)

   1. Structural BMP's, where allowed under the High Density Option, subject to regulations of Section 10.609

   2. Storage of Hazardous Materials, subject to the filing of a spill/failure containment plan with the City of Charlotte Fire Department.

   (C) **Permitted Accessory Uses and Structures**

   All those permitted in the underlying zoning district except as provided in Section 10.605.2(D).

   (D) **Prohibited Uses**

   1. Industrial Process Discharges, new, requiring NPDES permits

   2. Landfills, off-site demolition

   3. Landfills, sanitary

   4. Petroleum Contaminated Soils, Treatment or Disposal (Landfarming)

   5. Wastewater treatment facilities, privately-owned, requiring NPDES permits.

DRAFT

Section 10.606 Development Standards for the Catawba River/Lake Wylie Watershed Overlay

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

1. Critical Area (not used)

2. Protected Area

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

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

Maximum allowed in underlying district

2. Minimum lot area

Minimum required in underlying district

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

a. Residential
1. low density option - 24%
2. high density option (1) - 50%

b. Nonresidential
1. low density option - 24%
2. high density option (1) - 50%

Footnote to Chart 10.606.2(A3)

(1) High Density Option - See Section 10.609

Section 10.608 Buffer areas Required

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

1. Critical Area (not used)

2. Protected Area

In the protected area the minimum buffer areas are as follows:

a. All areas adjacent to perennial streams:
1. low density option - 50'
2. high density option - 100'

3. Additional buffer requirements:

DRAFT

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

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

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

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

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

e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

MEMORANDUM
ENGINEERING DEPARTMENT
STORM WATER SERVICES

Date: May 3, 1993 Kia Whittlesey for

TO: Walter Fields, Land Development Manager

FROM: Jim Schumacher, Storm Water Services Manager

SUBJECT: Catawba River/ Lake Wylie Watershed Overlay City Zoning and Subdivision Ordinance Amendments

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The City of Charlotte and Mecklenburg County want to achieve the same goals with their watershed ordinances. We support consistent standards except in the areas of financial security and BMP maintenance. This exception includes the three year provision for accepting maintenance on BMPs.

Charlotte Storm Water Services benefits from a different approach than approved by Mecklenburg County for the Mountain Island Lake Watershed Overlay in their subdivision ordinance in these areas. We wish to change Section 10.608.3 as follows (changes are shown in bold):

Section 10.608

3. Posting of Financial Security Required **for Subdivisions**

A. When Structural BMPs (wet detention pond and all other BMPs) are required under the High Density Option **for subdivisions**, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the maintenance of the required Structural BMPs until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMPs, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMPs and if found satisfactory, will within 30 days of the date of notice notify the owner in writing.

The City already enables subdividers to post bonds. We do not require bonds for the construction of individual sites which are not subdivisions. To start requiring individual sites to also post a bond would complicate the building permit process unnecessarily resulting in more time and expense for both the developer and the City. We are at less risk of commercial sites defaulting on their construction obligations than subdivisions which typically take multiple years to complete.

* *For those individual sites which are not bonded, we wish to include a civil penalty provision in the zoning ordinance similar to the erosion control ordinance as our*

means of enforcing the installation of BMPs.

Continuing with wording changes to 10.608, we wish to revise maintenance responsibility as follows:

4. MAINTENANCE RESPONSIBILITY OF STRUCTURAL BMPs.

A **For single family developments,** the owner may then petition the City Council for acceptance of maintenance responsibilities of the Structural BMPs. The City will accept maintenance responsibilities if the Structural BMPs have been built according to standards contained in the Land Development Standards Manual **or other published standard of the City Engineer** and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.

B. Maintenance of Structural BMPs other than those in single family developments which have been accepted by the City shall be the responsibility of the property owner. The property owner may apply for a credit to the property's storm water fee according to the policies of Charlotte-Mecklenburg Storm Water Services to compensate for this responsibility. The property owner will be responsible for the on-going maintenance of the Structural BMPs. If at any time the BMPs are not properly maintain, the credit will be suspended.

As much as possible, the individual property owner should be responsible for the BMPs on their site. The property owner will be eligible for credits on their storm water fee in exchange for constructing and maintaining the facilities. This is not always a practical approach for single family subdivisions because it is more difficult to perpetuate a home owners association to maintain the common areas. In these cases the property owner may request City maintenance and would be ineligible for a credit.

The Mountain Island Lake Watershed Overlay amendments for the County subdivision ordinance also stipulate that the County will accept maintenance on BMPs three years after completion. As mentioned earlier, subdivisions typically take multiple years to complete. Frequently the subdivisions will not have certificates of occupancy for 75% of the construction area within this time frame. At this point BMPs are typically serving as sediment basins which require regular maintenance which is directly related to the construction activities. As is our practice with erosion and sediment control measures, the responsibility for maintaining the BMP should remain with the property owner until issuance of certificate of occupancy for 75% of all anticipated construction.

cc: Cindy Reid
Lisa Hagood

CKW

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-20

Petitioner: Charlotte-Mecklenburg Planning Commission

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

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

BACKGROUND

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

CONCLUSION

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

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

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

OFFICE USE ONLY

Ownership Information

Property Owner: See Attached

Owner's Address: See Attached

Date Property Acquired: N/A

Tax Parcel Number: See Attached

Location of Property (address or description)

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

Description of Property

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

Current Land Use: Moderately developed residential and non-residential

Zoning Request

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

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

Name of Agent

Agent's Address

Telephone Number

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

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

Telephone Number: 336-2205

Signature

Signature of Property Owner
If Other Than Petitioner

PETITIONER: CMPC

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

ZONING CLASSIFICATION, EXISTING: Various zoning classifications

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

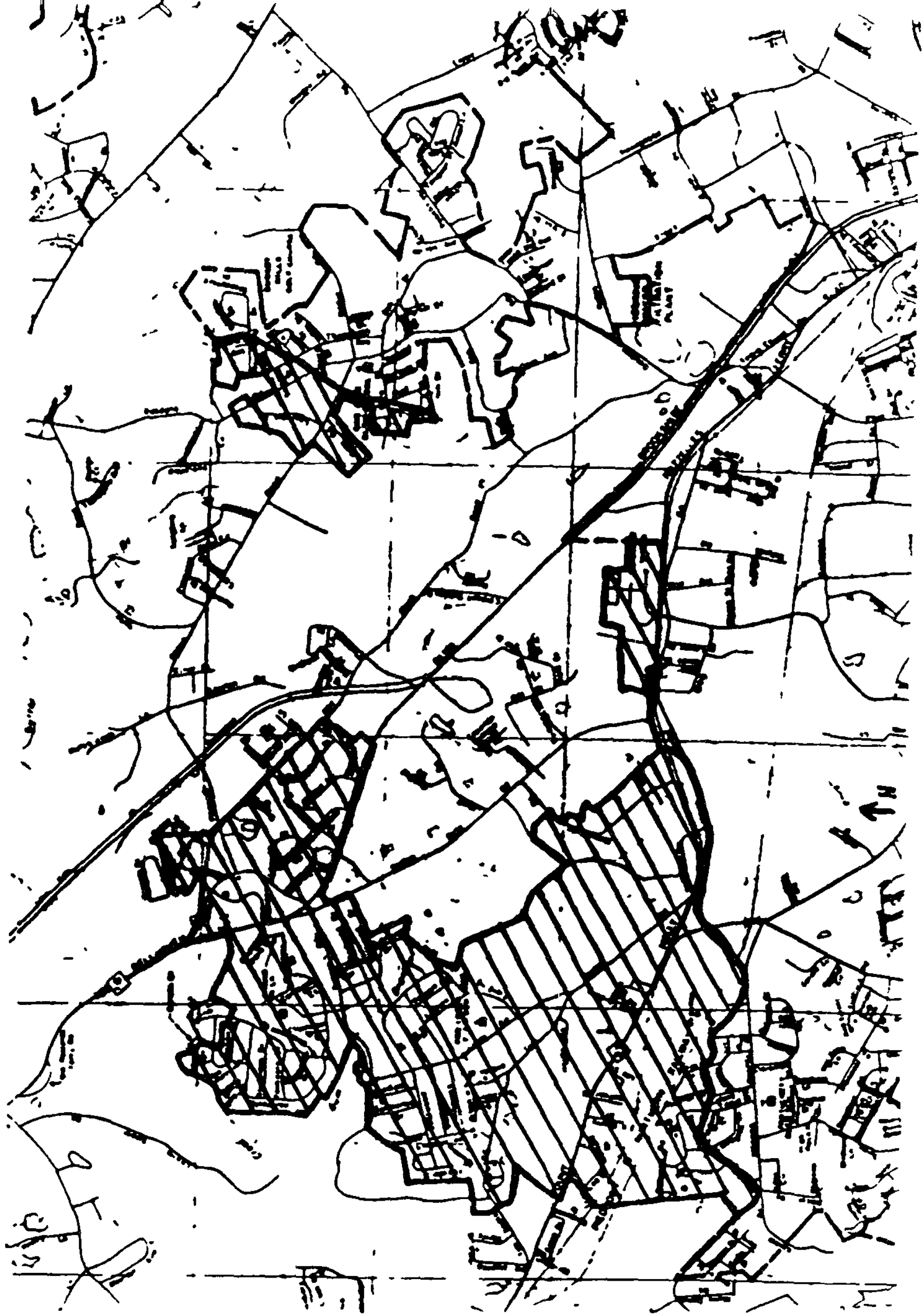
LOCATION. Approximately 1,950 acres located in the Catawba River/Lake Wylie Watershed.

SEE ATTACHED MAP

ZONING MAP NO(s).: Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-14

Petitioner: Real Estate and Building Industry Coalition.

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

BACKGROUND

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

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

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

ISSUES

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

PHILOSOPHICAL ISSUES

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

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

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

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

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

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

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

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

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

TECHNICAL ISSUES

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

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

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

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

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

CONCLUSION

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

*Subject to further refinement following public hearing.

APRIL 93'

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-14
Date Filed February 1, 1993
Received By [illegible]
OFFICE USE ONLY

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

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

(Title)

Purpose of Change:

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

Mark C. Cramer, Esq.
Name of Agent
1130 E. Third St, Suite 210
Agent's Address
Charlotte, NC [illegible]
Telephone Number
[illegible]

Real Estate and Building Industry Coalition
Name of Petitioner(s)
P.O. Box 187, Davidson, NC 28036
Address of Petitioner(s)
(704) 892-3346
Telephone Number
[illegible]
Signature

ORDINANCE NO._____

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

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

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

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

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

"Section 1.110. Procedures for establishing a vested right.

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

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

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

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

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

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

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

"1.111. Vested Right Certification.

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

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

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

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

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

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

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

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

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

(a) Approximate boundaries of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. These amendments shall become effective upon adoption.

Approved as to form:

_____
City Attorney

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

_____
City Clerk

(Rev. 3/19/93)

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-16

Petitioner. Lance, Inc.

Location. Approximately 1.65 acres located on the north side of Westinghouse Boulevard Extension east of Kings Branch Creek.

Request: Change from I-2(CD) to I-2, from R-12MF to I-2(CD), and from R-12MF to I-2.

BACKGROUND

1. Existing Zoning. The portion of the subject property zoned I-2(CD) is the result of a 1986 Planning Commission sponsored petition based on the Sterling Special Project Plan. The purpose of the I-2(CD) was to create a buffer between industrial properties to the north and residential properties throughout the Sterling neighborhood to the south. The balance of the petitioned property is zoned R-12MF. Properties in the area located to the north of Westinghouse Boulevard Extension are predominantly zoned I-2 and properties to the south are zoned a combination of single family, and multi-family districts and I-1(CD) and I-2.

2. Existing Land Use. The subject property is undeveloped as are adjoining properties to the north and south. The Sterling neighborhood located to the southeast is composed of single family residential homes. Scattered industrial development is located to the northeast of the petitioned property.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates developing employment uses in the area of the subject property. Strategies for the area include the outer belt and expansion of the greenway system along Kings Branch.

   2. Sterling Special Project Plan. The Sterling Special Project Plan outlines a number of recommendations for preservation of the Sterling neighborhood. Those recommendations include the establishment of a buffer between industrial uses to the north and the neighborhood to the south. The I-2(CD) included in the existing zoning of the petitioned property was established in this way.

4. Site Plan. The site plan which accompanies this petition proposes to relocate the buffer from its present location to along the north side of Westinghouse Boulevard. To the north of the newly relocated buffer properties are proposed for rezoning to conventional I-2 in conformance with the zoning pattern of the

balance of the Lance property to the north. The site plan limits access to Westinghouse Boulevard to one driveway connection. The plan also reflects that the portion of the 50 foot buffer equivalent to the required setback will conform to the City of Charlotte Tree Ordinance and signage will be permitted in conformance with the sign regulations.

5. School Information. Not applicable.

6 Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-8	R-9 to I-2	Approved	05/06/74
2. 86-30(c)	I-2 to I-2(CD)	Approved	07/25/86
3. 86-88	I-1, I-2 to R-15MF	Approved	07/21/86
4. 86-68	I-2 to I-2(CD)	Approved	07/25/86
5. 90-15	Establish zoning on annexed property	Approved	03/19/90

7. Neighborhood. This site falls within the Sterling neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a series of rezonings which will have the effect of establishing, in this area, Westinghouse Boulevard as a boundary between industrial uses to the north and the established residential uses to the south associated with the Sterling neighborhood. The petition also provides for a 50 foot landscaped buffer along Westinghouse Boulevard. The petition is consistent with plans for the area which generally have attempted to provide adequate buffering between the industrial properties to the north and residential properties to the south.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff provided technical assistance to the petitioner.

   2. Departmental Comments. There were few departmental comments due to the conventional nature of the petition. CDOT comments are attached and request right-of-way dedication along Westinghouse Boulevard.

ISSUES

1. Land Use. This petition proposes a series of rezonings that will have the effect of relocating a previously established 50 foot buffer to a more logical location along Westinghouse Boulevard. The petition would then provide for Westinghouse Boulevard as the boundary between I-2 zoned properties located to the north and residential properties located to the south associated with the

Sterling community. The petition is consistent with land use plans for the area and is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes relocation of a previously established 50 foot buffer along Westinghouse Boulevard. The site plan also notes a commitment to a limitation of one driveway connection to Westinghouse Boulevard subject to approval by CDOT, right-of-way dedication, conformance with the City of Charlotte Tree Ordinance, and project signage in conformance with the sign ordinance. The one technical comment not addressed by the site plan relates to requested right-of-way dedication along Westinghouse Boulevard. Due to the limited nature of this proposal, however, the right-of-way dedication issue is viewed as minor. Therefore, this petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-16
Date Filed February 1, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Lance, Inc.

Owner's Address: P. O. Box 32368, Charlotte, NC 28232-2368

Date Property Acquired: September 24, 1992

Tax Parcel Number: 205-121-04

Location of Property (address or description)

Westinghouse Boulevard (north side)

Description of Property

Size (Sq. Ft.-Acres): 50,939 Sq. Ft. 1.159Ac.

Street Frontage (ft.): 953.29 Ft.

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-12 MF

Requested Zoning: I-2

Purpose of Zoning Change: The extension of Westinghouse Boulevard created a narrow parcel of land that seperated the Lance, Inc. property from Westinghouse Boulevard. This parcel is now owned by Lance, Inc. Rezoning of this parcel of land would provide compatible land use and zoning with land presently owned by Lance, Inc.

Rodney Brown
Name of Agent

Agent's Address

Telephone Number

Lance, Inc.
Name of Petitioner(s)

P. O. Box 32368
Address of Petitioner(s)

Charlotte, NC 28232-2368

Telephone Number
(704) 554-1421

Lance, Inc. by RC Brown
Signature

Signature of Property Owner
if Other Than Petitioner

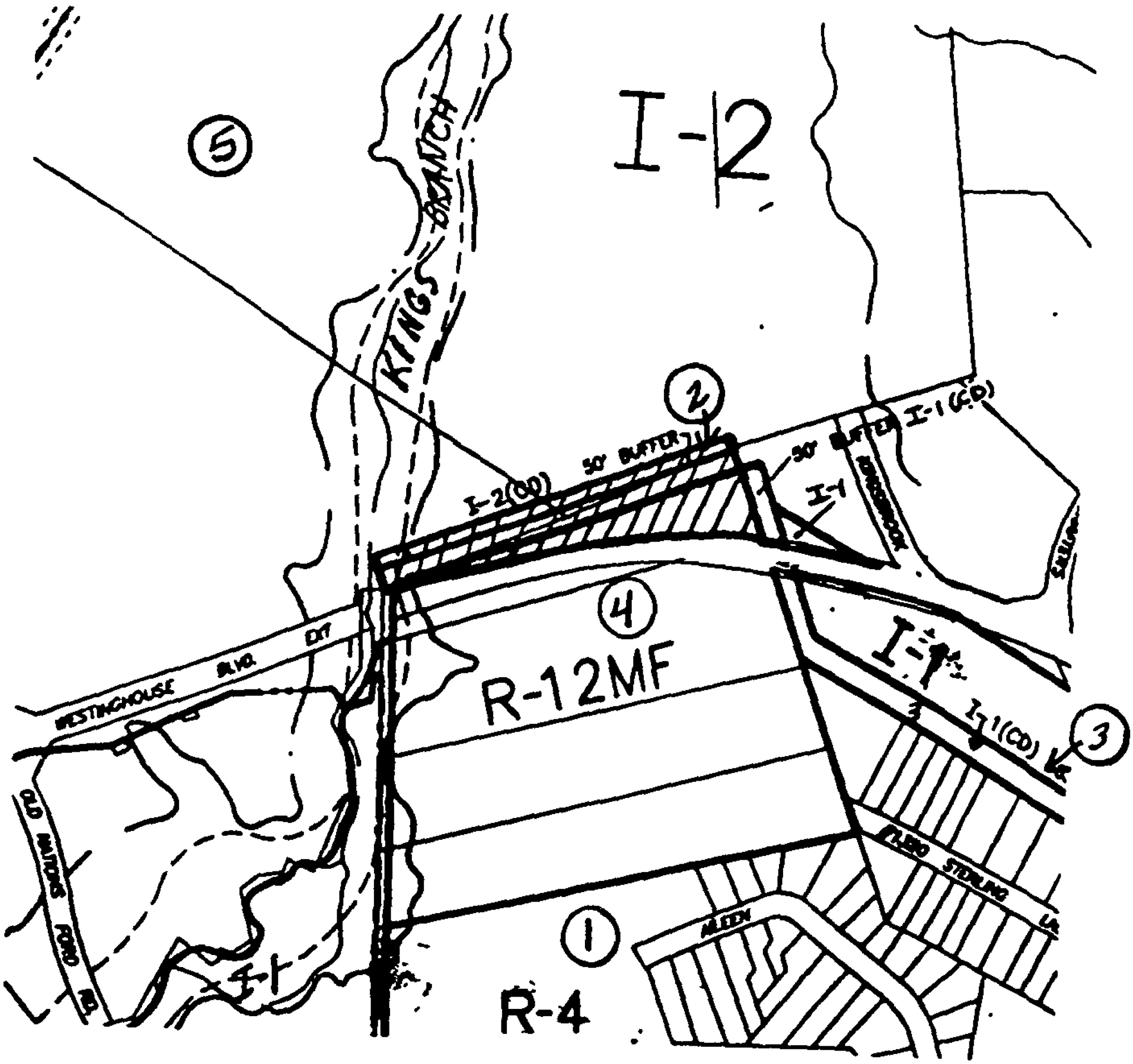
PETITIONER: Lance, Inc

PETITION NO.: 93-16 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING: R-12MF

ZONING CLASSIFICATION, REQUESTED: I-2

LOCATION A 1.17 acre site located on the north side of Westinghouse Boulevard Extension east of Kings Branch Creek.



ZONING MAP NO(s).: 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

M E M O R A N D U M

DATE: April 22, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-16: Westinghouse Boulevard Extension East of King Branch Creek (Revised)

This site could generate approximately 98-126 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (8 trips per day) has remained the same.

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

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

Any proposed driveway connection to Westinghouse Boulevard will require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process.

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 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
Lance, Inc.
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-21

Petitioner: John and Theodora Davidson

Location: Two parcels totaling approximately .4 acres located on the southerly side of I-85 east of Tennessee Avenue.

Request: Change from R-5 to R-17MF.

BACKGROUND

1. Existing Zoning. The subject property as well as the adjoining properties located to the south along Honeywell Avenue, Tennessee Avenue, and Nelson Avenue are zoned R-5 as a result of a 1986 petition that rezoned those properties from R-6MF to R-6. The abutting tract to the east is zoned I-1. Properties located across I-85 are also zoned a combination of I-1 and R-5.

2. Existing Land Use. The petitioned property is developed with a day care center. Properties located to the south are either vacant or developed with single family, multi-family, and institutional uses. Properties located to the east are developed with commercial or industrial facilities.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies include improvements to I-85 and Brookshire Freeway and development of potential light rail service in the area.

   2. Beatties Ford Road Small Area Plan. The Beatties Ford Road Small Area Plan envisions single family residential development in the area. The petitioned site was included in a 1986 rezoning petition that changed properties from multi-family to single family residential based on the small area plan. The purpose of the rezoning was to encourage the introduction of new housing at lower densities.

   3. Central District Plan. The Central District Plan recognizes this area as one of single family residential uses.

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

5. School Information.

Schools		Capacity	Enrollment
Elementary.	Long Creek	748	583
Middle:	Coulwood	700	563
Senior High:	West Mecklenburg	1,320	1,464

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-87	R-6MF to B-1	Denied	08/03/70
2. 81-44	R-6MF to I-1	Denied	08/24/81
3. 86-88	R-6MF to R-12MF	Approved	09/15/86
4. 86-89	R-6MF to R-6	Approved	08/15/86
5. 86-90	R-6MF to R-9MF	Approved	09/15/86
6. 89-110	R-6MF & I-1 to R-6	AIP	03/08/90

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential district to a multi-family residential district. Publicly adopted plans call for single family residential development in this area. From that standpoint, this petition is inconsistent with publicly adopted land use plans. However, the driving force behind the 1986 rezoning from a multi-family to a single family district in this area was due in part to the amount of vacant land in the area. The introduction of new housing at lower densities on the numerous vacant tracts was seen as a positive and stabilizing factor for the area. Inasmuch as this site is already developed with a use that requires a multi-family category, the petition could be considered consistent with the objectives outlined in the land use plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this application with staff prior to filing. Staff noted the desirability for the application to be considered on a conditional basis and that the appropriate development standards should be reflected on the site plan including required buffers, parking, etc.

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

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to a conventional multi-family residential category. Plans for the area recognize the desirability of single family residential zoning and land uses in the area. However, there could be some merit to a multi-family designation for the subject property. The site is already developed with a day care center and is bounded by I-85 on one side and industrial zoning on another side. A multi-family residential district could provide a logical transition from the industrial to the east and the residential uses to the west and south. Staff would note, however, that since this petition is being presented through a conventional manner rather than on a conditional basis there has been no evaluation by staff as to whether the proposed day care expansion envisioned by the petitioner can actually be accommodated on this site. The zoning ordinance would require a buffer between the day care center and the industrial zoning to the north and single family residential elsewhere and there are the standard requirements for off street parking, landscaping, and other items. Staff has informed the petitioner of the need to research these development standards as they would impact the proposed expansion. Ultimately, though, if the petitioner is able to meet the minimum requirements of the zoning ordinance, the expansion would be permitted. If the expansion is not able to be accommodated, the existing day care center would remain in its present size and the only benefit gained by rezoning would be to render the center a conforming use.

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

CONCLUSION

While the staff has some question as to whether an expansion of the existing day care center (which is the stated purpose of this petition) can actually be accomplished on this site, the petition does not raise a significant land use issue due to its relationship to I-85 and adjoining industrial property to the east.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-21
Date Filed March 1, 1993
Received By MCM
OFFICE USE ONLY

Staff Review 3/30 @ 10 00a m

Ownership Information

Property Owner John and Theodora Davidson
Owner's Address 532 Hogle Street Charlotte N.C 28216
Date Property Acquired 4-8-87
Tax Parcel Number 069-144-01 069-14402
Location of Property (address or description) 532- Hogle Street

Description of Property Heated 1284 unheated 126 sq ft
Size (Sq. Ft.-Acres) .188 acres .213 Street Frontage (ft.) 95 ft
Current Land Use Day Care Center w/ 15 children

Zoning Request

Existing Zoning R-5 Requested Zoning R-17MF
Purpose of Zoning Change Day Care Center (Increase size)

Name of Agent
Agent's Address
Telephone Number

John & Theodora Davidson
Name of Petitioner(s)
5906 Sierra Drive 28216
Address of Petitioner(s)
399-5060
Telephone Number

Signature
Signature of Property Owner
if Other Than Petitioner

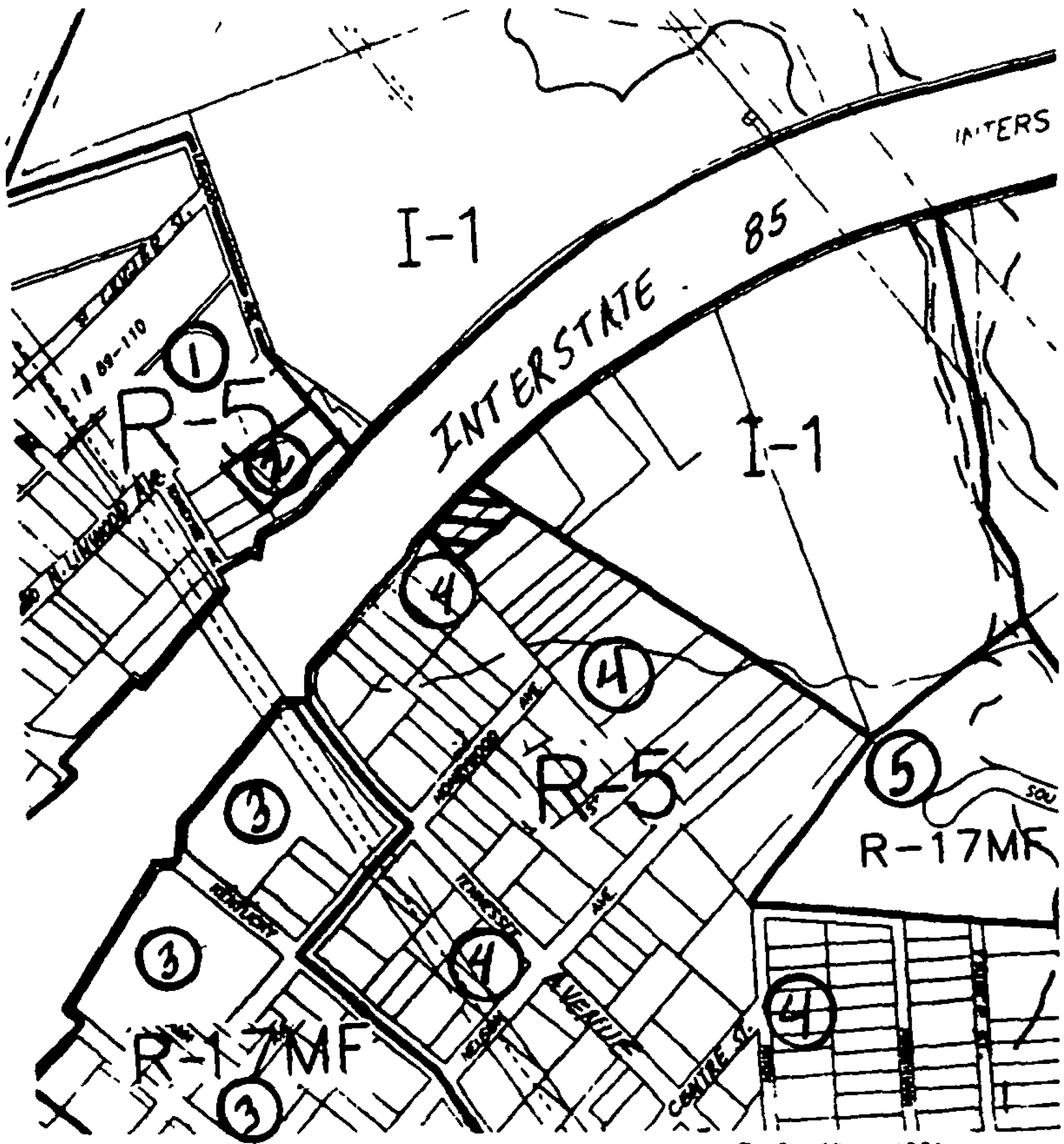
Petition #: 93-21

Petitioner: John & Theodora Davidson **Hearing Date:** May 17, 1993

Zoning Classification (Existing): R-5

Zoning Classification (Requested): R-17MF

Location: Approximately .40 acres located on the south side of I-85, east of Tennessee Avenue.



Zoning Map #(s): 80 **Scale:** 1" = 400'

M E M O R A N D U M

DATE: April 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-21: I-85 Service Road East of Tennessee Avenue

This site could generate approximately 70 trips per day as currently zoned. Trip generation has not been calculated for the proposed zoning due to insufficient data.

I-85 is 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 entrance. Two 10'x70' sight triangles are required for the entrance to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrances. Such items should be identified on the site plan.

Any proposed driveway connection(s) to I-85 Service Road require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The location of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

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

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard 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 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
John & Theodora Davidson
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-22

Petitioner: Malcolm and Bessie Blakenship

Location: Approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Road.

Request: Change from R-3 to R-MH.

BACKGROUND

1. Existing Zoning. The petitioned property is zoned R-3 as are adjoining properties to the north. The subject property to the south is zoned R-MH. Properties to the east are zoned R-3 and properties to the west are zoned a combination of B-D and I-1.

2. Existing Land Use. The petitioned property is undeveloped. Properties to the north are developed with single family residential homes and the tract to the south is developed with the Timberline Mobile Home Park. A site located to the west is developing with a business park accessed off Highway 29. Otherwise, adjoining properties remain undeveloped.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the area as one of transition between existing employment uses and existing residential uses. The 2005 strategies for the area include streetscape improvements along North Tryon Street, water line extensions, and potential light rail service in the area.

   2. Northeast District Plan. The Northeast District Plan calls for residential densities of up to 4 dwelling units per acre in this area.

   3. District Plan General Policies. The general policies for the district plans recognize that the base density of 4 dwelling units per acre can be exceeded for developments within 1/2 mile of a transit corridor.

4. Site Plan. The site plan which accompanies this petition proposes an expansion of the adjacent mobile home park by an additional 16 units. The proposed expansion area has a density of 4.76 units per acre. The lots would be accessed off of a private street system connected to Heathway Drive. The plan provides for a 50 foot Class C buffer adjoining single family zoning and a total of 1.31 acres devoted to recreational/open space. The plan notes that each space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. All structures are to be located at least 20

feet from any internal street and at least 10 feet from any adjacent lot or space within the park.

5 School Information. School officials indicate this petition would increase enrollment at Newell, Cochrane, and West Charlotte. Newell has sufficient space and overcrowding at the high school level will be addressed with future high school construction.

Schools		Capacity	Enrollment
Elementary:	Newell	704	538
Junior High:	Cochrane	900	731
Senior High:	West Charlotte	1,640	1,800

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 71-4	R-12 to R-MH	Denied	10/27/71
2. 72-50(c)	R-12 to R-MH	Approved	09/05/72
3. 76-13(c)	R-12 to I-2	Approved	12/06/76
4. 81-12(c)	R-MH & R-12 to R-9	Denied	05/18/81
5. 85-15(c)	R-MH to R-MH Site Plan Amendment	Approved	04/15/85
6. 86-116	R-MH to R-12	Denied	01/20/87

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential district to the mobile home category to permit an expansion of an existing mobile home park. The district plan for the area envisions continued residential development at densities of up to 4 dwelling units per acre in this area. From this standpoint, the petition is not entirely consistent with plans for the area. However, the district plan general policies do allow the base density of 4 dwelling units per acre to be exceeded for developments within 1/2 mile of a transit corridor.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff provided technical assistance to the petitioner.

   2. Departmental Comments. Departmental comments included the need for correction of yard dimensions, correction of open space and buffer treatments, the need for curb and gutter on the private street system, and additional information on the proposed recreational amenities and clarification of several notes. The revised site plan did not adequately address departmental comments and staff is in the process of working

with the petitioner on additional changes. Staff has just recently been advised by the Building Standards Department that the existing Timberline Mobile Home Park has been cited for zoning violations related to skirting. Transportation comments include the need for incorporation of a previous commitment for a transportation improvement and other matters. (See attached memo).

ISSUES

1. Land Use. This petition proposes rezoning from a single family residential category to the mobile home district to allow an expansion of an adjacent mobile home park. Plans for the area recognize it as one of continued residential development at densities of 4 dwelling units per acre or less. Although this proposal would exceed that base density, the general policies allow the base density to be exceeded for developments within 1/2 mile of a transit corridor. Therefore, from a land use standpoint, this petition could be considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes expansion of Timberline Mobile Home Park by an additional 76 units, a density of 4.76 units per acre. The plan has several outstanding insufficiencies that are currently being evaluated by the petitioner. Those matters relate to the need for incorporation of an earlier commitment for transportation improvements, an improved circulation pattern and commitment to installation of curb and gutter. In addition, the outstanding zoning violations in Timberline Mobile Home Park should be addressed remedied prior to the ultimate decision on this petition.

CONCLUSION

This petition is not considered appropriate for approval in its present form.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-22
Date Filed March 1, 1993
Received By MCM

OFFICE USE ONLY

Staff Review - 3/30 @ 10:00 a.m.

Ownership Information

Property Owner: M.B. Blankenship, Jr. and Bessie G. Blankenship

Owner's Address: Post Office Box 1617, Salisbury, NC 28145-1617

Date Property Acquired: 1957

Tax Parcel Number: 049-071-01

Location of Property (address or description): Off Heathway Drive (between North Tryon Street and Old Concord Road)

Description of Property

Size (Sq. Ft.-Acres): Approx. 16 acres Street Frontage (ft.): 60 feet

Current Land Use: Undeveloped

Zoning Request

Existing Zoning: R-3 Requested Zoning: R-MH

Purpose of Zoning Change: Mobile Home Development

N/A
Name of Agent

Agent's Address

Telephone Number

Malcolm B. Blankenship, Jr.
Bessie G. Blankenship
Name of Petitioner(s)

Post Office Drawer 1617
Address of Petitioner(s) Salisbury, NC 28145

(704) 636-7100
Telephone Number

Malcolm B. Blankenship
Bessie G. Blankenship
Signature

Signature of Property Owner
if Other Than Petitioner

Petition #: 93-22

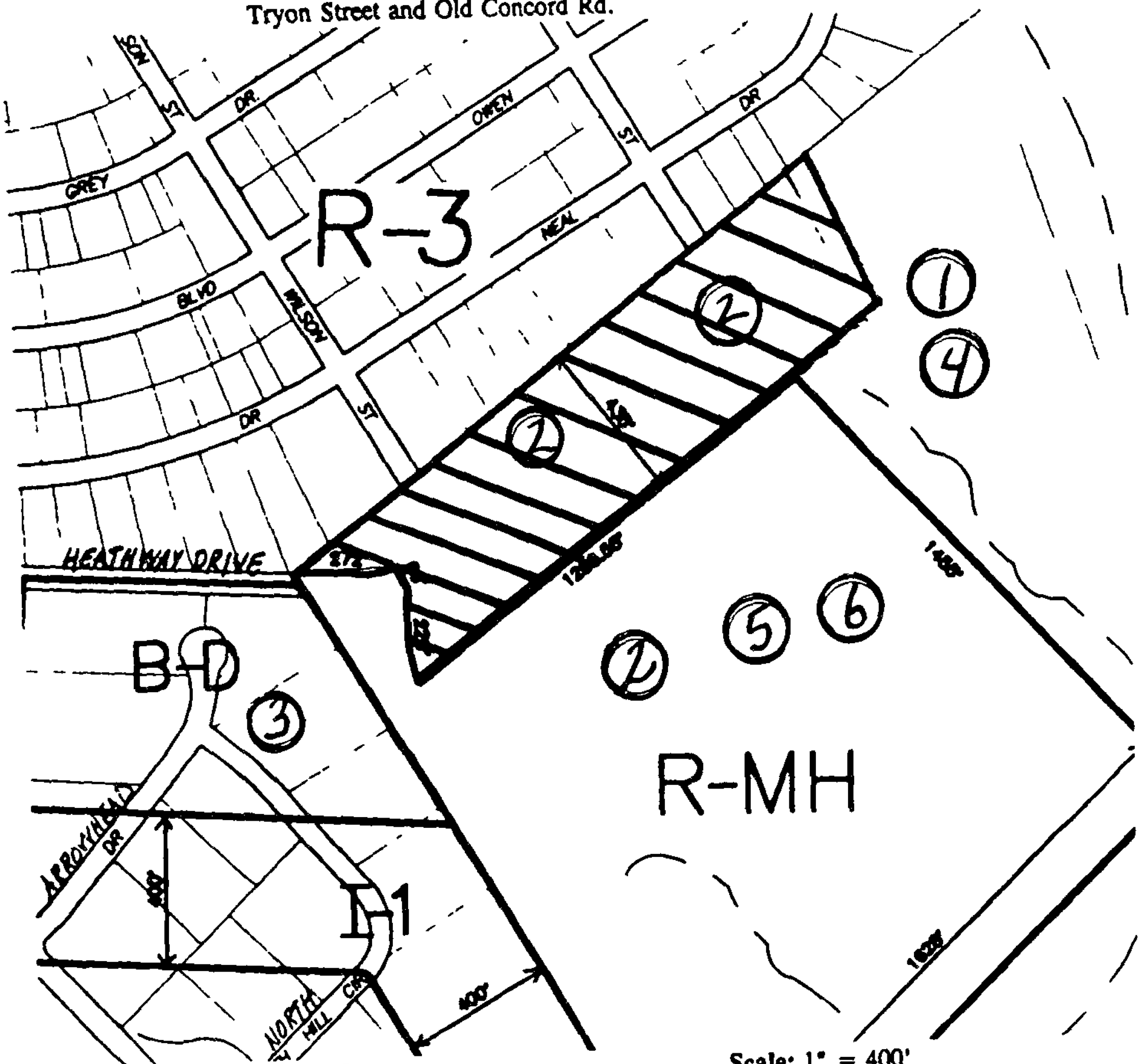
Petitioner: Malcolm & Bessie Blakenship

Hearing Date: May 17, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-MH

Location: Approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Rd.



Zoning Map #(s): 77

Scale: 1" = 400'

M E M O R A N D U M

DATE: April 23, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-22: Heathway Drive
(Revised 4/15/93)

This site could generate approximately 528-576 trips per day as currently zoned. The revised site plan indicates a reduction in the number of units from 85 to 76. Therefore, the corresponding trip generation will decrease from 409 to 366 trips per day.

- We recommend that proposed Frances Ann Circle connect back to Heathway Drive opposite the road to the existing mobile home park. Heathway Drive will form the minor leg of this new "T" intersection and should be under stop control.

- Standard "Stop" signs should be placed on Heathway Drive and proposed Frances Ann Street (at lot 285).

- The location of the end of City maintenance of Heathway Drive needs to be noted and shown on the 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 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
Malcom B. Blankenship, Jr.
Ressie G. Blankenship
Rezoning File

2

To
Co
Dept
Phone #
Fax #

KLUTTZ, REAMER, BLANKENSHIP & HAYES
ATTORNEYS AND COUNSELORS AT LAW
101 NORTH MAIN STREET
P.O. DRAWER 1617
SALISBURY, NORTH CAROLINA
28145-1617

RICHARD R. REAMER
MALCOLM B. BLANKENSHIP JR.
WILLIAM C. KLUTTZ, JR.
OLIVER S. HAYES
JAMES F. RANDOLPH
WM. CLARENCE KLUTTZ (RETIRED)

LEWIS P. HANLIN, JR.
(1919-1988)

TELEPHONE (704) 636-7100
FACSIMILE (704) 636-2284

April 27, 1993

BY FACSIMILE

Ms. Laura Simmons

Re: Rezoning Petition #93-22

Dear Ms. Simmons:

This is in response to the staff analysis for the above rezoning petition.

The following negative items are herein responded to:

1. Building standards violations-underskirting.

Out of approximately 235 homes on site, approximately 8 to 10 individual homeowners have not installed underskirting, as required by City Ordinance and by Timberline Rules and Regulations. This is being addressed, and I have given a monthly report for the last two months to Mr. John Raves of the Building Standards Department. That report reflects two or three additional homes putting up the underskirting each month, and also my action taking eviction papers against selected noncompliers. I believe this matter will be resolved. Bear in mind that the underskirting is not something the developer installs, but the individual homeowner installs on his private home, and my enforcement powers are indirect. Likewise, the Building Standards Department can revoke an individual homeowner's Certificate of Occupancy. We do believe this problem is being worked through.

2. Curb and gutter.

I have received conflicting advice about the requirement of curb and gutter. I therefore instructed my engineer to depict curb and gutter "as required". That way any requirement for curb and gutter on these private mobile home park streets can be resolved at a later date.

3. DOT requirements.

I hereby accept, as a condition to the implementation of the rezoning request, the condition that I adhere to DOT requirements at the North Tryon Street entrance. A turn lane was installed. The item deleted was some curb and

KLUTTZ, HAMLIN, REAMER, BLANKENSHIP & KLUTTZ

gutter work and a concrete driveway entrance off Heathway Drive to the adjoining motel. The motel subsequently resurfaced its entire parking lot, and that was one reason further efforts towards implementation were not made.

Yours truly,

Malcolm B. Blankenship, Jr.

MBB,Jr:lmw

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-23

Petitioner: Fawzy and Fatima Banawan

Location: Approximately 3.31 acres located on the north side of Craig Avenue just south of Nancy Drive.

Request: Change from R-4 to R-8MF(CD) and R-8(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-4 as are adjoining properties located elsewhere along Craig Avenue. To the north and east of the petitioned site properties are zoned I-2. Further to the north across the railroad tracks properties are zoned I-1. To the southeast a large tract is zoned I-1. Other nearby properties are zoned a combination of single family residential, multi-family residential, office, and commercial categories.

2. Existing Land Use. A portion of the subject property is devoted to an existing day care center. The balance of the site is undeveloped. Elsewhere along Craig Avenue properties are predominantly devoted to single family residential uses. To the north of the petitioned property is the City's Transportation Operations Facility and to the southeast is a school bus maintenance yard. To the north of the petitioned site is a combination of multi-family residential, commercial, industrial, and open space uses. There is also scattered multi-family development nearby.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area. A community commercial center is indicated at Wendover and Monroe Roads. Strategies for the area include potential light rail service.

   2. South District Plan. The South District Plan envisions continued single family residential development with a base density of three dwelling units per acre. A neighborhood commercial center is indicated at Wendover and Monroe Roads. The plan also indicates potential light rail service in the area.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the Monroe Road, Wendover Road, and Eastway Road intersection improvements for FY93-94.

4. Site Plan. The site plan which accompanies this petition proposes expansion of the existing 2,200 square foot day care center to a maximum of 3,500 square feet. The expanded day care would accommodate an expansion in the enrollment from 52 children to a maximum of 100 children. The plan also provides for a residential subdivision of a maximum of 17 dwelling units which could include single family homes, duplexes and/or triplexes. The newly created lots would be accessed via a proposed new public street which would terminate in a cul-de-sac. Access to the expanded day care center would also be provided from the new public street rather than Craig Avenue. The site plan provides for a 14 foot Class C buffer along the project edges of the day care center where it would adjoin single family residential development and provides for a 27.5 foot buffer along the R-8(CD) project edge which adjoins existing I-2 zoning. The plan notes that the day care site shall conform to the City of Charlotte Tree Ordinance.

5. School Information.

Schools		Capacity	Enrollment
Elementary:	Oakhurst	440	453
Junior High:	Randolph	880	1,033
Senior High:	West Charlotte	1,640	1,800

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-49	O-6, R-9MF to I-1, B-2	Approved	09/09/68
2. 70-61	O-6 to B-1	Approved	05/25/70
3. 78-45	O-6 to B-2(CD)	Approved	02/05/79
4. 80-52	R-6 to R-9MF(CD)	Approved	02/02/81
5. 81-41	R-9MF to R-20MF	Approved	07/13/81
6. 87-20	R-20MF to R-20MF Site Plan Amendment	Approved	05/18/87
7. 92-59	R-4 to I-1	Approved	11/23/92

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential district to a combination of conditional residential districts which would permit greater density of development. Plans for the area recognize it as one of continued residential development with the South District Plan specifically recommending continued single family residential development. Therefore, this petition is not entirely consistent with plans for the area. However, the site would generally meet the criteria for an eight dwelling unit per acre project (location along a collector street, proximity to commercial centers, employment

concentrations, transit opportunities, etc.). From this standpoint, the proposal could be viewed as consistent with the general development polices for higher density projects.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this petition with staff prior to filing.

   2. Departmental Comments. Departmental comments noted the requirement for at least a 50 foot Class A buffer adjoining I-2 zoned property and a general need for more information particularly on the day care center regarding its proposed access, the proposed location for the parking area, and the proposed location for the outdoor play space. Staff also questioned when the single family component would be constructed in relationship to the day care expansion. The revised site plan did provide additional information but does not adequately address all of the comments. A 50 foot buffer is required along the adjoining I-2 properties. This plan proposes a 27.5 foot buffer and includes a note that would allow the pursuit of a variance from the Zoning Board of Adjustment. While this does not raise a specific concern to staff, the plan does not provide for any alternative development plan based on the possibility that the variance could not be obtained. Staff would also note that the revised plan locates the outdoor play area within the portion of the day care site located along the most westerly project edge. The play area is separated only by the minimum 14 foot Class C buffer from the existing single family residential homes to the west. The proposal to almost double the enrollment and locate the play area just 14 feet away from existing single family homes needs to be reevaluated by the petitioner. An improved buffer treatment on this edge is warranted.

ISSUES

1. Land Use. This petition proposes rezoning from the R-4 category to a combination of R-8MF(CD) and R-8(CD). Plans for the area recognize it as one of existing single family residential development. There may, however, be arguments in favor of this petition including its consistency with the general development policies for an 8 dwelling unit per acre development and its adjacency to large industrial tracts to the north and east. For these reasons, the petition could be considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition would permit an expansion of the existing day care center from 2,200 square feet to 3,500 square feet and allow an increase in the enrollment from 52 children to 100 children. The plan locates the outdoor play area in the westerly portion of this site separated by a 14 foot buffer from single family development to the west.

The plan provides for required parking adjoining a proposed new public street to be developed to the south of the existing day care center. The balance of the petition proposes a new residential development composed of a maximum of 17 dwelling units including single family, duplexes, and triplexes. The proposed new residential units would be accessed from the same proposed new public street. Access to the day care center would be provided from one driveway connection to the new public street and the existing driveway connection to Craig Avenue would ultimately be removed.

There are several outstanding site plan matters. The petitioner should reevaluate the relationship between the existing single family residential homes located to the west of the petition and the outdoor play area to be located only 14 feet away. The impact of the almost doubled enrollment on these homes could be significant and improved buffer treatments need to be explored by the petitioner. In addition, the plan does not meet the minimum requirement along the edge adjoining I-2 zoning and relies upon a future variance. The plan needs to provide at least one proposed alternative layout in the event the variance is not obtained. Finally, while staff does not have any particular concern regarding project phasing on this development it is noted that this site plan does not stipulate to construction of the proposed new public street or the residential development or the closing of the access for the day care center to Craig Avenue. The plan seemingly permits the day care center expansion to occur without the balance of the proposal being developed.

CONCLUSION

This petition is considered appropriate for approval contingent upon the above noted site plan changes.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-23
Date Filed March 1, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Fawzy M. and Fatima F. Banawan

Owner's Address: 3635 Craig Avenue, Charlotte, NC 28211

Date Property Acquired: January 15, 1988

Tax Parcel Number: 157-111-27

Location of Property (address or description): North side of Craig Avenue between Eastview Drive and Richland Drive

Description of Property

Size (Sq. Ft.-Acres): 3.31 acres

Street Frontage (ft.): 209' on Craig Avenue

Current Land Use: Vacant except for existing day care center

Zoning Request

Existing Zoning: R-4

Requested Zoning: R-8(CD) & R-8MF(CD)

Purpose of Zoning Change: To allow the expansion of an existing day care center and develop the remaining property at a higher density compatible with adjoining industrial property

Fred E. Bryant, Planner
Name of Agent

1850 E. Third St., Suite 216, Charlotte, NC 28204
Agent's Address

333-1680
Telephone Number

Fawzy M. & Fatima F. Banawan
Name of Petitioner(s)

3635 Craig Avenue, Charlotte, NC 282
Address of Petitioner(s)

364-2235
Telephone Number

X
X
Signature

Signature of Property Owner
if Other Than Petitioner

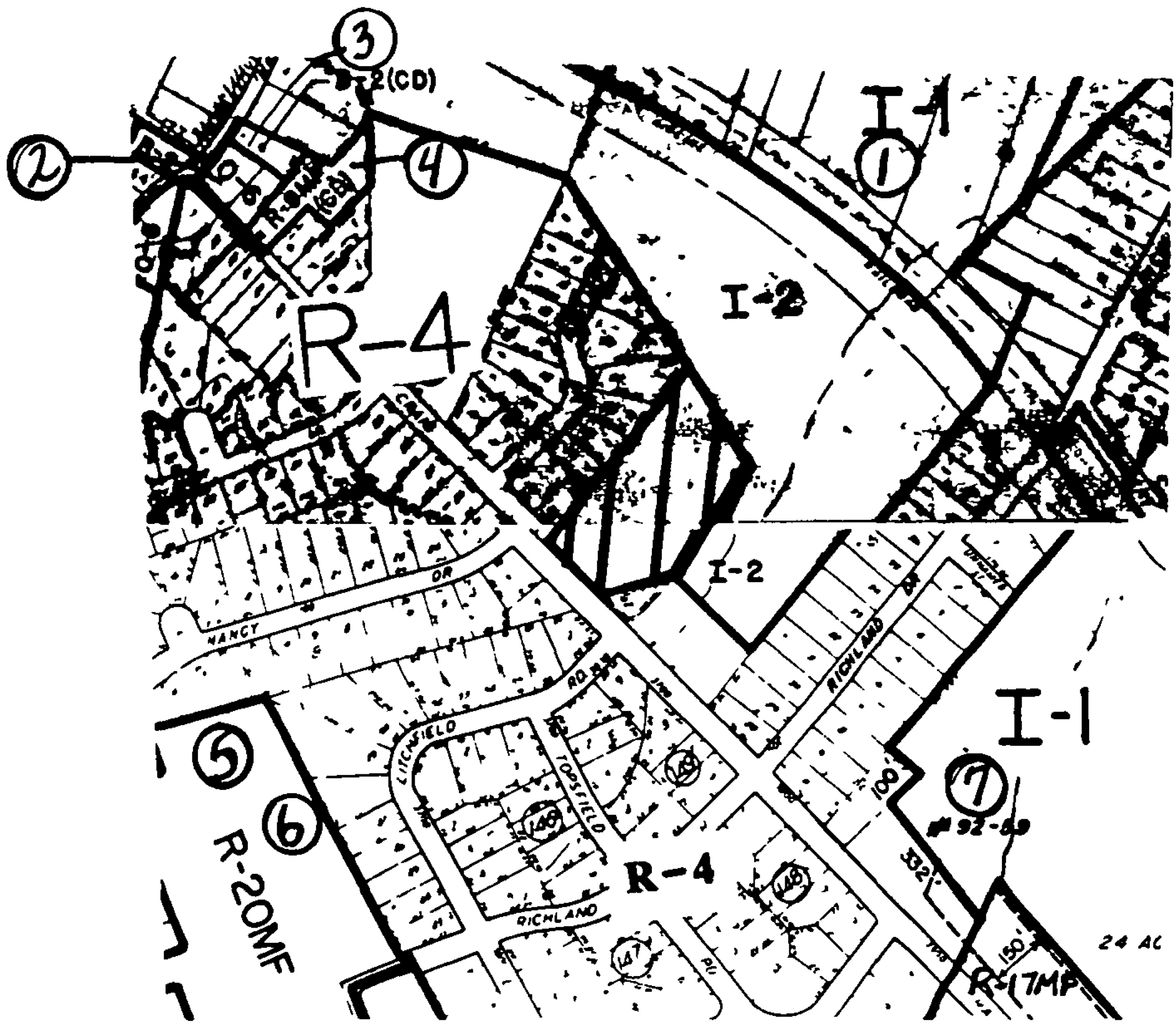
Petition #: 93-23

Petitioner: Fawzy M. & Fatima Banawan **Hearing Date:** May 17, 1993

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-8(CD) & R-8MF(CD)

Location: Approximately 3.31 acres located on the north side of Craig Avenue just south of Nancy Drive.



Zoning Map #(s): 112,124 **Scale:** 1" = 400'

M E M O R A N D U M

DATE: April 22, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-23: Craig Avenue South of Nancy Drive
(Revised 4/18/93)

This site could generate approximately 341-350 trips per day as currently zoned. The revised site plan indicates a reduction in the number of proposed dwelling units from 19 to 17. Therefore, the corresponding overall trip generation will decrease from 598-636 trips per day to 584-618 trips per day.

The petitioner should construct sidewalk along the Craig Avenue frontage. Sidewalk along one or both sides of the proposed public street is also recommended.

Adequate sight distance triangles must be reserved at the proposed public street connection. Two 35'x35' and two 10'x 70' sight triangles are required for the street connection to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the street connection. Such items should be identified on the site plan.

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, 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 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
Fred E. Bryant
Fawzy M. Fatima F. Banawan
Rezoning File

FRED E. BRYANT, PLANNER

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

STATEMENT OF SUPPORT

PETITION: 93-23

PETITIONER: FAWZY AND FATIMA BANAWAN

LOCATION: NORTH SIDE OF CRAIG AVENUE NEAR NANCY DRIVE

REQUEST: CHANGE FROM R-4 TO R-8MF(CD) AND R-8(CD)

Mr. and Mrs. Banawan are currently operating a legally non-conforming child development center on a portion of this property. This center was originally begun when such uses were permissible under single-family zoning, but became non-conforming when the ordinance was changed to require multi-family districts for their location. The petitioners own more land than they need for the day care center, but the use of the property is somewhat impacted by the fact that it has I-2 heavy industrial zoning on two sides. The industrial zoning accommodates a maintenance and equipment facility operated by the Charlotte Department of Transportation

This petition has been filed in order to permit the owners to expand their day care facility and, at the same time, use the new district (R-8) created in the new zoning ordinance to allow a higher density of use This will make development of the property more feasible in view of its transitional relationship to the industrial site. Precisely, the request has been filed to permit the expansion of the child development center from 52 to 100 children and to allow the development of the adjacent property at the 8 dwelling units per acre permitted under the R-8 or a maximum of 17 dwelling units. It is indicated on the site that the dwelling units would consist of only single-family duplex and triplex structures and could not be developed for large multi-family building purposes.

As part of the development plan and in accordance with current ordinance requirements, the child development center would have to observe a 14 foot landscaped buffer on the side of the property adjacent to existing single-family development. Since the current playground extends right to the property line and separated only by a chainlink fence, this will comprise a substantially greater buffer relationship between the child development center and the existing rear yards of the home. It is proposed to install a public street leading from Craig Avenue into the middle of the property and to access the day care center off that street in lieu of the current driveway relationship to Craig Avenue. This should also constitute a more reasonable access relationship for the property.

The Planning Staff has reviewed this request, and its Prehearing Analysis indicates that the land use is acceptable because of its relatively low

density and its relationship to the industrial area as a transitional circumstance. Some minor comments were made relative to the details of the site plan, particularly, indicating that the 14 foot buffer previously referred to should be enhanced The petitioner, at this point, is willing to specify that a wooden fence will be built to replace the chainlink one, and this in conjunction with the new 14 foot buffer should be the concept of the Planning Staff

Finally, the Transportation Department found that the use of this property for the requested purpose would not significantly impact traffic conditions in the area and has only noted that conventional subdivision and traffic standards would have to be met in the construction of the street and its intersection with Craig Avenue.

Please accept the fact that this property owner is impacted by the adjacency of the industrial zoning, and some relief which is permitted by this request will allow a better opportunity for developing the property

FEB/df

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-24

Petitioner: Derrick Knox

Location: Approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.

Request: Change from R-12MF to B-1(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-12MF as are immediately adjoining tracts to the west and south and across Nevin Road to the north. Further to the south properties are zoned R-3. Across Eargle Road is a combination of B-1, R-12MF, and R-3 districts. Properties located north of Gibbon Road are zoned a combination of I-1(CD), I-2(CD), and B-1.

2. Existing Land Use. The petitioned property is vacant as are adjacent tracts to the north across Nevin Road, to the south and to the west. A small strip shopping center is located across Eargle Road from the site.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area and designates a community commercial center generally at the intersection of Sugar Creek Road and Gibbon Road. Strategies for the area include improvement of Nevin Road, Mallard Creek Road and Chesire Road and a potential light rail corridor.

   2. Derita Small Area Plan. The Derita Small Area Plan envisions multi-family residential development in the area. The subject property was included as part of several corrective rezonings based on the Derita Small Area Plan in 1986. The petitioned site and nearby tracts to the east, west, and south were rezoned from B-1 to R-15MF and nearby properties were changed from multi-family to single family residential and from I-1 and I-2 to B-1. The I-1(CD) and I-2(CD) sites to the north were also established at the time. The overall goal of the plan is to enhance the town center (generally the intersection of Sugar Creek and Nevin Roads) as the retail hub of the community. The plan strives to improve the area through design and physical improvements, creation of a zoning pattern which reinforces the retail center, integration of surrounding multi-family development with the town center and creation of employment opportunities.

3. Northeast District Plan. The Northeast District Plan carries forward the recommendation of the Derita plan for multi-family residential development in this area.

4. Site Plan. The site plan which accompanies this petition proposes development of a 5,000 to 6,000 square foot building with associated parking. (The proposed use is not indicated). The plan indicates access is to be provided by one driveway connection to Nevin Road, dedication of additional right-of-way along Nevin Road in conformance with the street classification system and conformance to buffer and screening standards of the zoning ordinance.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 71-5	B-1 to I-1	Approved	01/25/71
2. 66-61	R-9MF to I-1	Denied	07/25/66
3. 72-61(c)	R-9, I-1 to I-1, I-2	Denied	11/20/72
4. 75-16	B-1 to I-1	Approved	06/30/75
5. 86-11	R-9MF, B-1, I-1, I-2 to R-12, R-15MF	Approved	03/17/86
6. 86-20	I-2 to I-2(CD)	Approved	10/20/86
7. 86-20(c)	R-9MF, B-1 to R=15MF	Approved	12/01/86
8. 86-21(c)	B-2, R-9MF to B-2(CD), O-6 & B-1	Approved	12/01/86

7. Neighborhood. This site falls within the Derita neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a multi-family residential district to a conditional commercial district. Plans for the area recognize the feasibility of future residential development in the area including multi-family residential but do not envision future or expanded commercial development along this section of Nevin Road. Therefore, this petition is inconsistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this petition with staff prior to filing. Staff noted its inconsistency with plans for the area.

   2. Departmental Comments. Departmental comments included the need for right-of-way dedication prior to issuance of building permits, tree ordinance standards, and the need for the plan to indicate the proposed use(s). The revised plan addresses most departmental comments but needs to add several

clarifications related to the right-of-way dedication timing, tree ordinance standards, and the proposed use(s).

ISSUES

1. Land Use. This petition proposes rezoning from a multi-family residential category to a conditional commercial category. Plans for the area do not encourage additional strip development along this portion of Nevin Road. Eargle Road is an appropriate demarcation between commercial uses extending to Gibbon Road and beyond to the Derita town center area and residential uses to the west on Nevin Road. Rezoning of this site would begin the inevitable march of strip commercial development down yet another arterial street.

2. Site Plan. The site plan which accompanies this petition proposes a 5,000 to 6,000 square foot commercial development. There are several site plan insufficiencies that need to be corrected by the petitioner prior to a decision on this case. Those matters include the need for an indication of the proposed use(s) and minor clarifications related to the tree ordinance and right-of-way dedication.

CONCLUSION

This petition is not considered appropriate for approval.

*Subject to further refinement following public hearing.

93-24

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6001 Barrington Drive Charlotte, NC 28205 704-377-5009 Willie, Annie, and Derrick Knox

May 4, 1993

Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

Dear Ms. Laura Simmons

I am writing in response to the assessment of the different department analysis on the rezoning of petition 93-24 at the corner of Nevins Road and Eargle Street. First let me plead unaware of the rezoning issues that we stated due to the lack of knowledge about the rezoning policies. I also fully understand that these issues needed to be revised and also a revised site plan that had a few concerns that we are very willing to work with staff in anyway possible to ensure that the process goes forward. Also the usage of the site has been stated on the revised site plan; which notes that the building will be used for training and retail sales. You will also note that correction were made concerning the tree ordinance to the Urban Forestry request. The other item of interest to the planning commission was the right away dedication. We will dedicate the require amount of right away before issuance of our certificate of building permit.

Sincerely yours,

Derrick B Knox

Derrick B. Knox

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-24
Date Filed March 1, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Willie M. & Annie M. & Derrick B. Knox

Owner's Address: 6001 Barrington Dr.

Date Property Acquired: 7-26-88

Tax Parcel Number:

Location of Property (address or description): 1:03 acre of land on the corner of Nevin Road and Eargle, which is 1/2 mile from W.T. Harris Blvd. Research Park.

Description of Property

Size (Sq. Ft.-Acres): 1.035 Street Frontage (ft.): 176.62

Current Land Use: Vacant

Zoning Request

Existing Zoning: R-12MF Requested Zoning: B1(CD)

Purpose of Zoning Change: To build a building for business purposes

Willie M. & Annie M.& Derrick B. Knox
Name of Agent

6001 Barrington Drive
Agent's Address

704 568-5047
Telephone Number

Derrick Knox
~~Mr. Tony Hunt~~
Name of Petitioner(s)

~~313 S. Tryon Suite 1230 Char NC 28281~~
Address of Petitioner(s)

~~704 333-1969~~
Telephone Number

Willie M Knox
Signature

Annie M Knox
Signature of Property Owner if Other Than Petitioner

Derrick B Knox

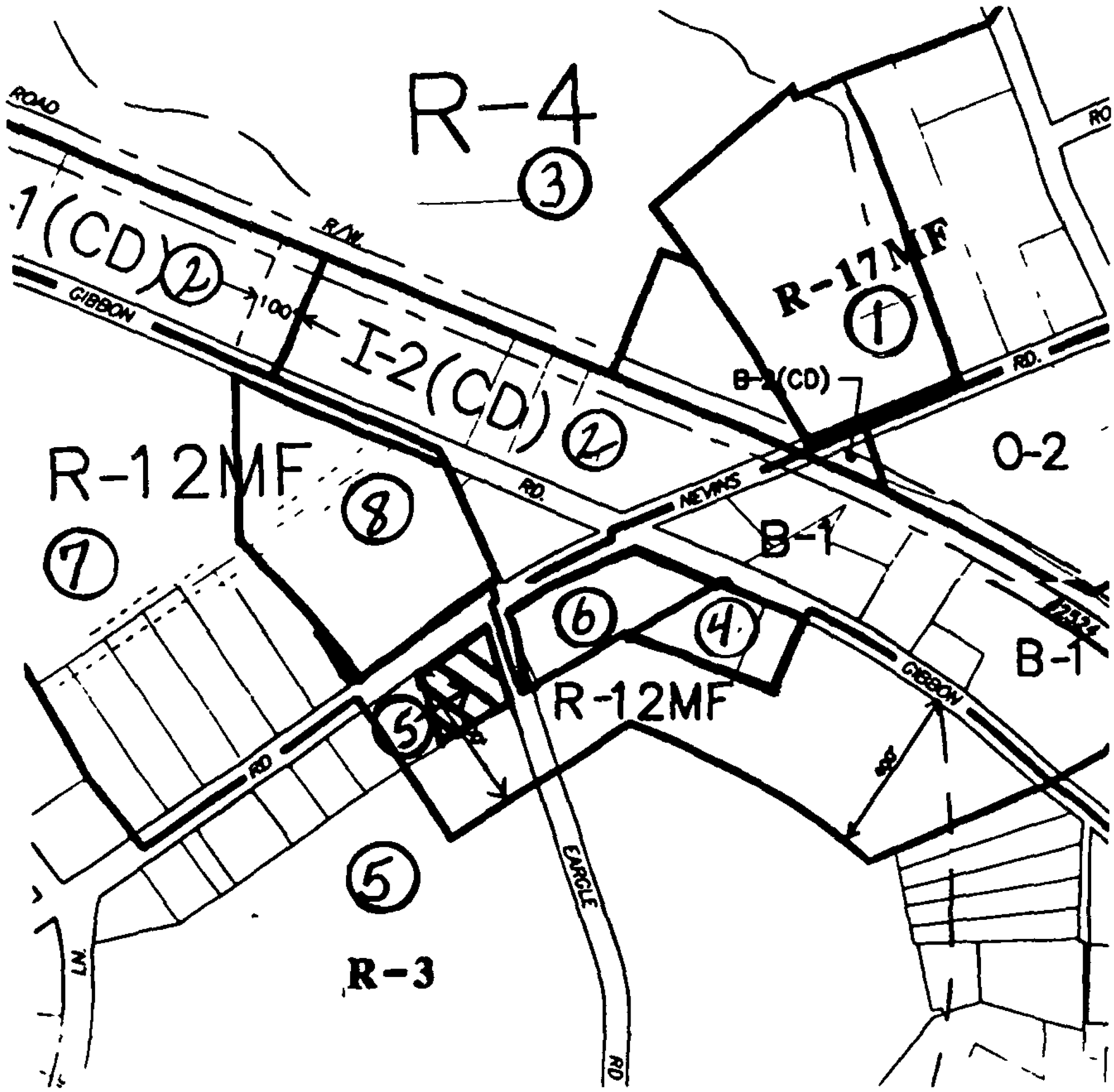
Petition #: 93-24

Petitioner: Derrick B Knox **Hearing Date:** May 17, 1993

Zoning Classification (Existing): R-12MF

Zoning Classification (Requested): B-1(CD)

Location: Approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.



Zoning Map #(s): 70 & 59 **Scale:** 1" = 400'

M E M O R A N D U M

DATE: April 22, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-24: Southeast Corner of Nevin Road and Eargle Road (Revised 4/19/93)

This site could generate approximately 84-108 trips per day as currently zoned. The revised site plan indicates a slight increase in building square footage (from 5,000 sf to 6,000 sf). Therefore, the trip generation has increased from 146 to 167 trips per day.

Nevin Road is a minor thoroughfare requiring a minimum of 70 feet of right-of-way. The developer/petitioner has indicated on the plan to dedicate right-of-way to meet this requirement of 35 feet from the centerline of the roadway.

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

The proposed driveway connection to Nevin Road will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The location of the driveway shown on the site plan is 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 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 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
Willie M., Annie M., and Derrick B. Knox
Civiltek Associates
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-25

Petitioner: David Krug

Location: Several parcels located at the intersection of 7th Street and Caswell Road and East 7th Street and Pecan Avenue.

Request: Change from B-1 to NS (Neighborhood Services).

BACKGROUND

1. Existing Zoning. The subject property is zoned B-1 as part of an overall pattern of B-1 zoning along the East 7th Street frontage. Further to the southeast on East 7th Street, the zoning pattern transitions to the O-2 category. Elsewhere the predominate zoning classification is R-5 though a number of parcels are devoted to a combination of multi-family categories including R-22MF, R-6MF(CD), and R-43MF. Properties generally to the west of Independence Park are zoned O-2.

2. Existing Land Use. The subject properties are developed with a variety of commercial uses including Pecan Point Shopping Center. Adjoining properties located along East 7th Street are devoted primarily to commercial uses. Other sections of East 7th Street are developed with commercial, office, and residential development. Elsewhere in the area is single family and multi-family development. Independence Park and Mercy and Presbyterian Hospitals are located to the west.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the area of the subject property as a community commercial center and Independence Park as a major park/open space. The 2005 strategies for the area include light rail service in the area and the Midtown Development Enterprise Area.

   2. Elizabeth Small Area Plan. The Elizabeth Small Area Plan recognizes the intersection of East 7th Street, Pecan Avenue, and Caswell road as a gateway in the Elizabeth neighborhood and recommends that building and landscaping proposals along East 7th Street emphasize the gateway quality of this location. The plan recognizes East 7th Street as a major radial thoroughfare in the area that serves as a gateway to Uptown Charlotte. The plan recognizes that any reconstruction of East 7th Street must take the Elizabeth Community into consideration and include measures to unify the neighborhood. The existing street, sidewalks, and tree canopy serves as a physical and psychological link between the two halves of the

neighborhoods. The plan recommends a new neighborhood mixed use zoning district to encourage the development of a neighborhood commercial center at Stanleyville. The purpose of this district would be to promote neighborhood commercial development at specific locations and in conjunction with residential development. The plan recognizes the feasibility of the neighborhood mixed use district for the petitioned property and other properties located at the intersection of Pecan Avenue, East 7th Street, and Caswell Road.

3. Elizabeth Urban Design Plan and Transportation Study. The Elizabeth Urban Design Plan and Transportation Study also recommends a new neighborhood mixed use zoning district to be created to encourage the development of a neighborhood commercial center at Stanleyville. Building and landscaping proposals along East 7th Street should emphasize its gateway quality.

4. Central District Plan. The Central District Plan continues the effort to implement the recommendations contained in the Elizabeth Small Area Plan. It notes that a new mixed use district for the East 7th Street area should be pursued and recommends the designation of Pecan Avenue, Caswell Road, and East 7th Street as a neighborhood services district. The plan also recommends local historic district designation and/or conservation status for the Elizabeth neighborhood and to pursue every means to maintain East 7th Street at its present width.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from B-2 to the NS (neighborhood services) district for three separate development areas located generally at the intersection of East 7th Street, Caswell Road, and Pecan Avenue.

*<u>Pecan Point Shopping Center-Retail/Restaurants</u>

The site plan recognizes the existing 16,700 square foot Pecan Point Shopping Center at the corner of Pecan Avenue and East 7th Street. Access to the center is unchanged and provided by one driveway each to Pecan Avenue and East 7th Street. The plan notes all existing conditions and provides for the incorporation of a future ring wall on the center's most easterly edge to provide screening from East 7th Street. The plan also notes a future enclosure of the loading and service area and notes existing street trees and interior landscaping. No building expansion is contemplated in this portion of the petition but the lessened parking requirements associated with the NS district would allow heightened flexibility on the variety of uses within the shopping center.

*North Caswell Road Retail

The portion of the site plan that relates to an existing two story frame structure on North Caswell Road indicates the existing 3,900 square foot structure and allows an additional 3,100 square feet for a maximum of 7,000 square feet of retail space. The site plan notes the existing driveway and existing interior landscaping and provides for the preservation of an existing dogwood tree in the parking lot.

*East 7th Street Retail/Restaurants/Residential

The balance of the petition, bounded by East 7th Street and Caswell Road, would be devoted to the existing 20,000 square feet of retail facilities and restaurants and an additional 16,000 square feet of development. The additional 16,000 square feet includes 7,000 square feet of new residential uses. The balance is to be restaurants and retail uses. The plan notes the existing driveway connection to North Caswell Road and the three existing driveways to East 7th Street with the middle drive widened into a future gateway with a special pavement material, landscaping on either side of the gateway, and project signage.

The site plan notes the transitional setback provisions for the two areas which front on East 7th Street. The Pecan Avenue/East 7th Street portion of the development has excess parking in the transitional setback area. The other East 7th Street development has an existing building within the transitional setback but all new development is in conformance with the transitional setback provisions. The site plan does, however, reserve the right for the owner to apply for variances to the transitional setback provisions and screening requirements. The site plan notes the development will comply with the tree ordinance subject to review and approval by the City tree staff and will comply with the requirements for street tree plantings.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 74-53	I-3 to R-6MF	Approved	01/13/75
2. 77-33	I-2 to I-2(CD)	Approved	10/10/78
3. 84-8	O-6 to UMUD	Approved	03/19/84
4. 85-4	B-2 to UMUD	Approved	06/17/85
5. 86-54	UMUD to UMUD-O	Approved	06/24/86
6. 86-94	I-3 to UMUD	Approved	09/15/86
7. 87-33	R-6MF to R-6	Approved	06/22/87
8. 87-83	B-1, B-1(CD) to B-1(CD), B-1(CD) Site Plan Amendment	Approved	11/18/87

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the neighborhood business district to the neighborhood services district in an area in which publicly adopted plans have long recognized the feasibility and desirability of this concept. The Elizabeth Urban Design Plan and Transportation Study and Elizabeth Small Area Plan recommend the creation of a new neighborhood mixed use zoning district to encourage the development of a neighborhood commercial center at Stanleyville and the Central District Plan recognizes the feasibility of a neighborhood services district at the intersection of Pecan Avenue, Caswell Road, and East 7th Street. Therefore, this petition is entirely consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this application with staff prior to the filing.

   2. Departmental Comments. Departmental comments included the need for right-of-way dedication along East 7th Street and a concern from the City's Department of Transportation (see attached memo) regarding the lessened off-street parking requirements associated with the NS district.

ISSUES

1. Land Use. This petition proposes rezoning from the neighborhood business district to the neighborhood services district in an area in which publicly adopted plans have long recognized and encouraged such a concept. Therefore, this petition is considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition would accommodate additional development along Caswell Road and along the portion of East 7th Street to the west of Caswell Road. The existing Pecan Point Shopping Center is not proposed for expansion by this site plan but the lower parking requirements of the NS district would allow heightened potential for changes of use within the shopping center. The site plan notes compliance with minimum zoning ordinance standards including the transitional setback requirements, the off-street parking requirements, the tree ordinance, and street tree planting requirements though the plan allows for the potential pursuit of variances in regard to parking lot screening and the transitional setback standards.

   The outstanding concerns noted by the City's Department of Transportation regarding the need for right-of-way dedication in conformance with the street classification system and the lowered

parking requirement associated with the Neighborhood Services district are understood. However, the basic concept of a high density urban environment will, at times, be at odds with and potentially conflict with the ideal suburban development standards. The philosophy of the lower parking requirement is to encourage pedestrian movement and activity. In addition, the right-of-way dedication which would normally be strongly advocated through the rezoning process would in this case be inconsistent with the concept outlined in previously adopted plans for this area to maintain East 7th Street at its current width and encourage redevelopment in keeping with the neighborhood. Therefore, this petition is considered appropriate for approval.

CONCLUSION

This petition is recommended appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-25
Date Filed March 1, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: David R. Krug

Owner's Address: 131 Providence Road

Date Property Acquired: 10/31/85 07/18/85 12/31/86

Tax Parcel Number: 127-035-09/10/11; 127-045-02; 127-046-03

Location of Property (address or description) 1924-1958 East 7th Street; 2001 East 7th Street; and 366 North Caswell Road

Description of Property

Size (Sq. Ft.-Acres): See Attached Plats Street Frontage (ft.): See Attached Plats

Current Land Use: Retail/Restaurant/Service

Zoning Request

Existing Zoning: B-1 Requested Zoning: NS

Purpose of Zoning Change: To accommodate and provide for the continued existence and future development of retail, restaurant, service activities, residential uses and to serve the Elizabeth Community.

Name of Agent

Agent's Address

Telephone Number

David R. Krug
Name of Petitioner(s)

131 Providence Road
Address of Petitioner(s)

(704) 376-8000
Telephone Number

David R. Krug
Signature

Signature of Property Owner
if Other Than Petitioner

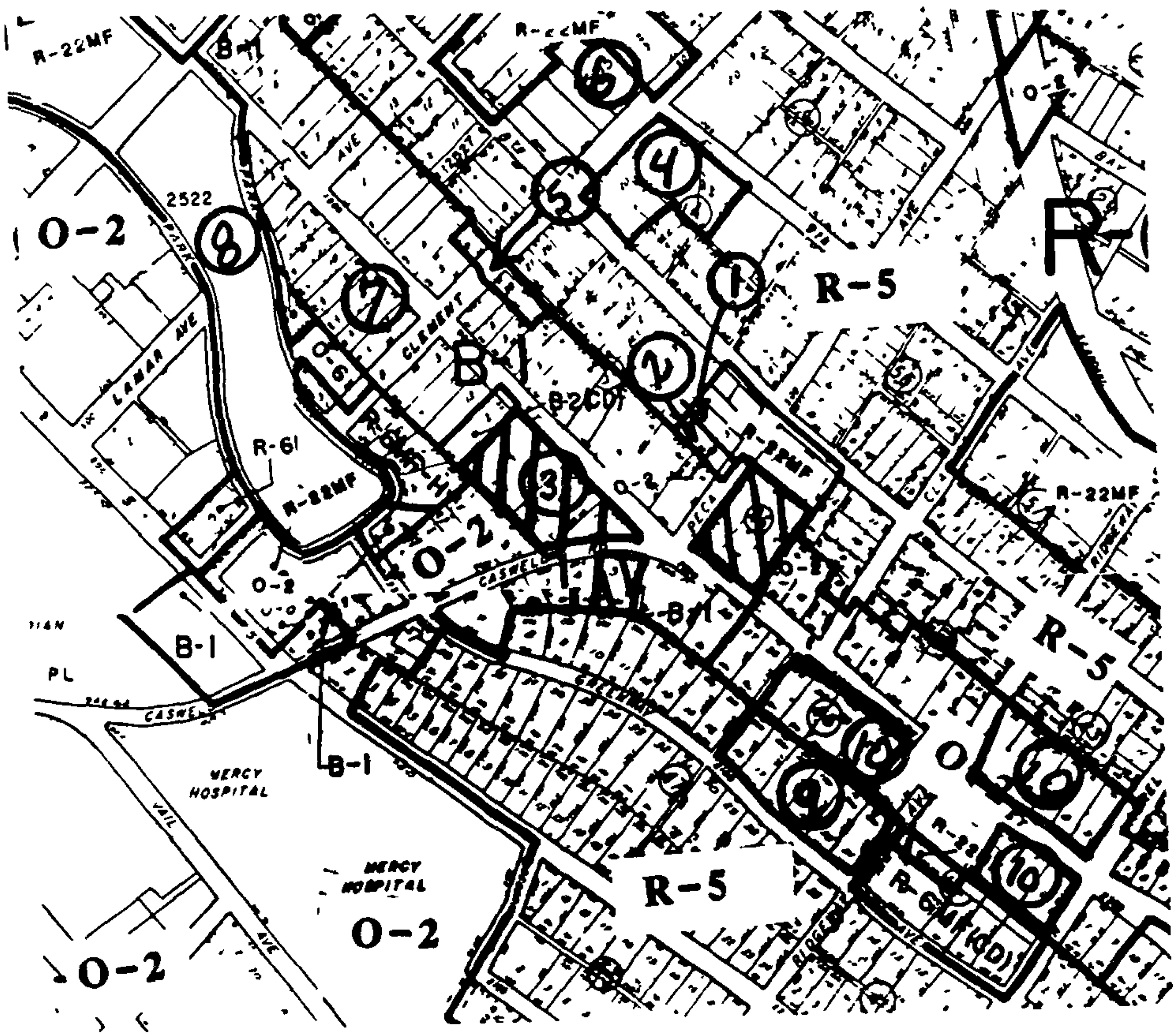
Petition #: 93-25

Petitioner: David R. Krug **Hearing Date:** May 17, 1993

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS (Neighborhood Services)

Location: Several parcels located at the intersection of 7th Street & Caswell Road and 7th Street & Pecan Street.



Zoning Map #(s): 101,102,111,112 **Scale:** 1" = 400'

M E M O R A N D U M

DATE: April 26, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-25: 1924-1958 E. 7th Street, 1201 E. 7th Street, & 366 N. Caswell Road (Revised 4/15/93)

This site could generate approximately 4,984 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore the trip generation (6,041 trips per day) has remained the same.

CDOT has recently become aware of the reduced parking requirement that the zoning ordinance provides for permitted uses in the new Neighborhood Services (NS) zoning district. CDOT is concerned about the drastically reduced parking requirement, particularly for restaurants in the NS district. We feel that more parking should be required since the development is not intermixed with the high density residential component (required under NS zoning) which would typically produce more pedestrian than vehicular trips. The following is an example which shows the parking deficiency for this proposed development assuming 100% restaurant use:

- NS Zoning - Required parking at 1 space/600 sf @ 36,000 sf would require <u>60 spaces.</u>
- Other Zoning - Required parking at 1 space/75 @ 36,000 sf would require <u>480 spaces.</u>

The NS zoning parking requirement provides only 1 parking space for every 8 that would be required for restaurant use in any other zoning district. We feel that parking will overflow onto existing narrow residential streets and into other parking lots in the vicinity and cause increased congestion on the area roadway system and at the development driveways.

CDOT has had complaints from the residents on the streets in the vicinity of restaurants on Providence Road in the Myers Park Neighborhood because of the overflow of parking onto local streets, which blocks driveways and congests traffic flow.

A parking survey during the lunch hour peak (two days) was recently completed by CDOT staff at the existing businesses included within this proposed zoning district. The results of the survey indicate that approximately 73% of the existing parking spaces (145 of the 198) are currently being utilized. However, with the additional increases in square footage and number of restaurants, the number of parking spaces on site will decrease from 198 to 100 (minimum required under the proposed NS zoning). It is CDOT's opinion that if this rezoning is approved and development increase as proposed increase, it will result in the following:

- Shortage of at least 45 parking spaces to meet the current demands of the existing developments.
- An additional shortage of parking spaces related to all future development.
- Increased driveway and parking lot congestion
- Overflow parking will use adjacent non-NS district businesses' parking lots and surrounding local residential streets.

Seventh Street is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement. The developer petitioner should dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway. In accordance with Section 11.505(1) of the Zoning Ordinance, the setback will be at 12 feet from back of the future curb. This setback line will be at the same location as the proposed right-of-way line.

Adequate sight distance triangles must be reserved at all existing/public street intersections and driveway connections. Two 35'x35' and two 10'x70' sight triangles are required at public street intersections and two 10' x70' sight triangles an required at driveway connections 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 Seventh Street will require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process.

The location of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with 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 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 and liability insurance coverage requirements.

To facilitate future building permit/driveway permit review the site plan must be revised to include the following:

- All driveway widths at the property line. The existing driveway at 366 N. Caswell Road appears to be a joint driveway.

- The western most existing driveway on E. 7th Street is only one-way and should have appropriate pavement marking and signing.

- o Typical parking module dimensions.

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
David R. Krug
Rezoning File

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-26

Petitioner: Charlotte Tree Advisory Commission

Request: Text amendment to change the size of required trees in several sections of the city's zoning regulations.

BACKGROUND

The City of Charlotte's zoning regulations require the installation of trees in many different areas and situations. This text amendment by the Charlotte Tree Advisory Commission proposes to amend several sections of the current zoning regulations. The sections affected are Section 12.302 Buffers, Section 12.202 Parking Decks, Section 11.507 Neighborhood Services District, and Section 9.906 street trees, and urban open space. Each of these sections uses tree planting in a different way and for different reasons. As a result different tree sizes at installation have been developed. This text amendment looks at these sections and proposes to change or closely align required tree sizes to those required by the city's tree ordinance (i.e. 2" caliper). Whereas this change may be warranted to certain sections it is not necessary or warranted to other sections.

Buffer and Parking Deck Standards

The staff agrees that by changing the buffer requirements (Section 12.302) from 1-1/2" for small maturing trees to 2" and from 2-1/2" for large maturing trees to 2" is a change that would not effect the intent or desired effect of the buffer section. This change alone would eliminate the majority of conflicts between the city's tree ordinance and the zoning regulations. In addition by changing Section 12.202 Parking Decks from 2-1/2" caliper trees for small maturing trees to 2" and from 3" for large maturing trees to 2" would alleviate the two most common differences between the zoning regulations and the tree ordinance.

UMUD and Neighborhood Services District

The proposed changes to the Uptown Mixed Use District and the Neighborhood Service District are not in our opinion consistent with the intent of the zoning regulations. The amendment proposes to change in the Uptown Mixed Use District Section 9.906 Street Trees from 3" small maturing street trees to 3-1/2" and from 4" for large maturing street trees to 3-1/2" and as well as change the tree planting requirement for urban open space trees from 3" for enclosed urban open space trees to 3-1/2" and from 4" for unenclosed urban open space trees to 3-1/2". In the uptown mixed use district (U.M.U.D.) the city's tree ordinance does not apply so there is not any potential for conflict due to overlapping jurisdiction. The intensity of development allowed in the U.M.U.D. area in addition to its small setback (12 feet from back

of curb) and the limited amount of open space make the requirement for larger than average trees necessary. This can cause some construction and availability problems. However, these problems are not unsurmountable and can be avoided by proper planning by the contractor and owner. In addition, the number of projects in the U.M.U.D. area are few and undergo numerous reviews at which time the owner and architect are informed of tree requirements and the potential pitfalls they must look out for during construction. While smaller tree sizes may make installation easier as well as be available in larger qualities the benefit to the overall project is small and outweighed by the effect and appearance of the larger trees.

In the Neighborhood Services District the amendment proposes to change Section 11.507 by modifying the requirement for street trees from 2-1/2" for small maturing trees to 2" and from 3" for large maturing trees to 2". The newly created Neighborhood Services District which allows for a greater intensity of development with reduced setbacks should also benefit from larger than average trees. Where as this district is not exempt from tree ordinance requirements it does require tree sizes in excess of the tree ordinance. Also since this is a new very specialized zoning category that will require rezoning we feel that its occurrences will be few and the possibility of conflicts limited.

CONCLUSION

The portions of this text amendment that amend the buffer and parking deck requirements will help alleviate existing conflicts with other ordinances requiring tree planting. This will also eliminate confusion and help with enforcement. However, the proposed changes to the U.M.U.D. and the Neighborhood Service District only lessen existing standards for limited benefits. These two zoning districts allow a greater intensity of development and should require a larger than average tree. Plus the number of developments in these areas will be few and the potential for conflict and confusion limited. The argument that availability of larger trees is limited as well as the installation of larger trees more difficult are valid but avoidable by proper planning.

A portion of this text amendment is recommended for approval (Section 12.302 Buffer, and Section 12.202 Parking Decks) the sections pertaining to the UMUD and Neighborhood Services District should not be approved [Sections 9.906(2)(G), 9.906(4)(G), 11.509(G)].

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-26
Date Filed March 1, 1993
Received By MCM
OFFICE USE ONLY

Section No

9.906 (2)(g)	Uptown Mixed Use District Street Trees
9.906 (4)(e)	Uptown Mixed Use District Trees
11.507 (1)	Neighborhood Services District Streetscape Requirements
12.212 (1)(c)(i,ii,iii)	Parking Deck Standards
12.302 (9)(a)	Buffer Requirements

(Title)

Purpose of Change

To standardize the tree planting sizes between the Charlotte Tree Ordinance and the City Zoning Ordinance. Within the Zoning Ordinance, there are 12 different size requirements for small and large maturing trees. This amendment will require all trees, both small and large maturing trees, to be planted at a minimum of 2 inch caliper except UMUD which will be 3" - 3½" caliper. This amendment will accomplish the following:

* Provide consistency between ordinances.
* Less confusion for the development community.
* The recommended caliper sizes are the most optimum.
* Enforcement will be easier for staff.
* Discourages the overuse of small maturing trees.

Attachments:

1. Ordinance amending City Code
2. Zoning Ordinance Tree Sizes Overview
3. Proposal for UMUD Tree Planting Specifications

Greg E. Allen
Name of Agent
2036 E. 7th Street, Charlotte 28204
Agent's Address
332-1204(O) 377-5707 (H)
Telephone Number

Charlotte Tree Advisory Commission
Name of Petitioner(s)
City Eng. Dept. 600 E. 4th St.
Address of Petitioner(s)
336-4254 (Urban Forestry Staff)
Telephone Number
Greg E. Allen
Signature

Greg E. Allen, Chair - Ordinance Committ

ORDINANCE NO. _____

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

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

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

1 - Amend Chapter 9, Part 9, Section 9.906, Subsection 2(g) (UMUD - Street Trees) by:

(A) Changing the first sentence "In addition to all other requirements of this Subsection, at least one tree of 4 inches caliper for large maturing trees or 3 inch caliper for small maturing trees must be planted for each 25 feet or fraction over 25 feet for small maturing trees and for each 35 feet or fraction of 35 feet for large maturing trees of the entire building lot which abuts any public street right-of-way" to read as follows: "In addition to all other requirements of this subsection, at least one tree of 3 - 3½ inches caliper minimum measured 6 inches above ground must be planted for each 25 feet or fraction...".

2 - Amend Chapter 9, Part 9, Section 9.906, Subsection 4(g) (UMUD - Trees) by:

(A) Deleting two sentences: "Trees planted on unenclosed urban open spaces must have minimum caliper of 4 inches at the time of planting. Trees planted on enclosed urban open spaces must have a minimum caliper of 3 inches at the time of planting." Replace the sentences above with "Trees must have a minimum caliper of 3 - 3½ inches measured 6 inches above ground at time of planting."

3 - Amend Chapter 11, Part 5, Subsection 1 (Neighborhood Services District - Streetscape Requirements) by:

(A) Changing the required tree planting sizes for the following: "Large maturing tree - One tree per 35 linear feet. The minimum caliper shall be 3 inches at the time of planting. Small maturing tree - One tree per 24 linear feet. The minimum caliper shall be 2½ inches at the time of planting." Change each to read "The minimum caliper shall be 2 inches measured 6 inches above ground at the time of planting."

4 - Amend Chapter 12, Part 2, Section 12.212, Subsection 1(c)(i,ii,iii) (Off-street Parking and Loading - Parking Deck Standards) by:

(A) Replacing (c)(i) and (c)(ii) which reads: "(i) Large maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 3½ inches; (ii) Small maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2½ inches." Replace with one sentence as follows: (c)(i) "Trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting." Change numbering of (c)(iii) to (c)(ii).

5 - Amend Chapter 12, Part 3, Section 12.302, Subsection (9)(a,b) - (Buffers and Screening - Buffer Requirements) by:

(A) Deleting reference to tree size in Subsection (9)(a) and requiring only one tree size in Subsection (9)(b). Existing wording as follows: (9)(a) Forty percent of the required trees within the buffer shall be large maturing trees and have a minimum caliper of 2½ inches, measured 6 inches above the ground at the time of planting: (b) Small maturing trees shall have a minimum caliper of 1½ inches, measured 6 inches above the ground at the time of planting." Change (9)(a) to: "Forty percent of the required trees within the buffer shall be large maturing trees;" and (9)(b) to: "All trees shall have a minimum caliper of 2 inches measured 6 inches above ground at the time of planting;"

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

Approved as to form:

_____

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____day of_____, 19____, the reference having been made in Minute Book_____, and recorded in full in Ordinance Book_____, at page_____.

_____

City Clerk

Attachment #2: ZONING ORDINANCE TREE SIZES OVERVIEW

Problem(s) The minimum size at planting for trees required by the City and County Zoning Ordinance varies from section to section and is inconsistent with Tree Ordinance size requirements It is also confusing for the construction industry to have multiple sizes

	Current		Recommended
Requirement	Small-Maturing Tree	Large-Maturing Tree	Small- or Large Mat. Tree
Tree Ordinance (Chapter 21)	2"	2"	2"
City / County Zoning Ordinance			
• Buffers (Sec. 12 302)	1½"	2½"	2"
• Parking Decks (Sec. 12.212)	2½"	3½"	2"
• Neighborhood Services Dist. (Sec. 11.507)	2½"	3"	2"
• UMUD (Sec. 9.906)			
Street trees	3"	4"	3 - 3½"
Open Space trees --			
Enclosed	3"	3"	3 - 3½"
Unenclosed	4"	4"	3 - 3½"
County Zoning Ordinance			
• Internal Planting in Parking Lots (Sec. 12.208)	2"	2"	2"

Table 1. Current requirements and recommendations for City and County zoning ordinance tree plantings.

CHARLOTTE CONVENTION CENTER
TOTAL PROJECT BUDGET UPDATE

17MAY93

CONTRACTS AWARDED TO DATE	A NOVEMBER 1991 ESTIMATE [30% COMPLETE PLANS]	B ESTIMATE PRIOR TO BIDDING	C AWARDED LOW BID	D CONTRACT CHANGE ORDERS TO DATE	E CURRENT SAVINGS /(OVERRUN) FROM 11 /91 ESTIMATE [A C D]	F M/WBE PARTICIPATION ACTUAL PERCENTAGES OF CONTRACT MBE	WBE
CONSTRUCTION MANAGER	$7,461,750 00	$7,461,750 00	$7,461,750 00	$0 00	$0 00	3 8	0 3
SITE OFFICE	$99,672.00	$99,672.00	$95,303 70	$1,097.30	$3,271 00	26 4	2.3
SITE DEMOLITION - 1	$457,844 00	$458,945 00	$219,777 16	($11,840 66)	$249,907.50	5 1	4 8
TRADE MART DEMOLITION	$1,953,750 00	$1,953,750 00	$1,953,875 00	$369,500 00	($369,625 00)	0 0	76 0
SITE GRADING	$5,105,221 00	$8,677,370 00	$5,652,353 42	$136,921.57	($684,053 99)	17 5	6 9
STRUCTURAL STEEL	$12,182,028 00	$12,182,028 00	$10,851,576 00	$1,798,491.30 (d)	($468,039.30)	1 4	1.2
CONCRETE - 1	$3,403,300 00	$3,242,003 00	$3,635,280 00	$91,608 00	($323,588 00)	6 0	0 0
WATERPROOFING	$619,410 00	$182,307 00	$184,620 00	$0 00	$434,790 00	0 0	0 0
FIREPROOFING	$916,050 00	$916,050 00	$394,490 00	$12,639 00	$508,921 00	0 0	0 0
ELEVATORS & ESCALATORS	$2,741,760 00	$2,741,760 00	$1,679,940 00	$0 00	$1,061,820 00	0 8	1 8
PLUMBING	$1,778,939 00	$1,842,256 00	$2,783,329 00 (a)	$0 00	($1,004,390 00)	0 0	6 9
CONTROLS & BUILDING AUTOMATION SYSTEM	$1,588,251 00	$1,588,251 00	$1,239,797 00	$0 00	$348,454 00	24 1	0 0
HVAC	$7,361,006 00	$7,401,806 00	$8,766,343 00 (a)	$0 00	($1,405,337 00)	8 7	0 0
ELECTRICAL	$8,119,081 00	$8,343,574 00	$7,892,976 00 (a)	$0 00	$226,105.00	2 0	0 0
CONCRETE - 2	$4,492,932.00	$5,021,293 00	$5,230,356 00 (a)	$0 00	($737,424 00)	12.8	0 0
FIRE PROTECTION	$1,185,712 00	$1,491,087 00	$1,297,705 00	$0 00	($111,993 00)	1 9	0 0
KITCHEN & FOOD SERVICE EQUIPMENT	$1,188,347 00	$1,205,916 00	$1,133,425 00	$0 00	$54,922 00	3 7	0 4
MISCELLANEOUS METALS	$1,622,562 00	$2,608,263 00	$2,758,544 00	$0 00	($1,135,982 00)	0 0	100 0
MASONRY	$3,696,323 00	$5,153,454 00	$3,081,583 00 (a)	$0 00	$614,740 00	11 0	89 0
PRECAST CONCRETE (d)	$3,425,714 00	$3,504,403 00	$2,585,391 00 (a)	$0 00	$840,323 00	4 0	2 0
TOTALS	$69,399,652.00	$74,075,938 00	$68,898,414.28	$2,398,416 51	($1,897,178 79)	5 8	11.4

	ORIGINAL BUDGET (NOV 91)	CURRENT REVISED BUDGET
BID TO DATE.	$69,399,652.00	$68,898,414.28
CHANGE ORDERS TO DATE.		$2,398,416 51
TO BE BID	$14,329 431 00	$17,964,988 00 (b)
CONTINGENCY	$4,175 917 00	$531,581.21
BUILDING CONSTRUCTION COST	$87,905,000 00	$89,793,400 00
LAND COST	$30,170,000 00	$29,670,000 00
OTHER PROJECT COSTS (c)	$23,590,000 00	$22,201,600 00
TOTAL PROGRAM BUDGET.	$141,665,000 00	$141,665,000 00

FOOTNOTES

(a) Negotiated low bid

(b) Construction Manager's estimate as of 30APR93

(c) Other Project Costs include such items as the Architect's Fee, Project Contingency, Furniture & Equipment, Professional Testing Services, City Administration, and the Art Fund

(d) Includes Council action item

FLUOR DANIEL, INC

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 29, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on Monday, April 26, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, May 10, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, May 17, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

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

DATE: April 26, 1993

PETITION NO.: 93-9

PETITIONER(S): Withrow Capital Inc.

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

LOCATION: A 75.3 acre site located on the northerly side of West Arrowood Road opposite Arrowood Business Park.

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

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

Nays: None.

Absent: None.

REASONS

This petition was referred back to the Zoning Committee by City Council subsequent to their receipt of a letter from the adjoining property owner to the west which outlined concerns regarding disparities in this petition's treatment of the Yorkwood neighborhood to the north and the residential area to the west. The letter noted inequitable treatment related to buffers, a building height limitation and architectural control. The present site plan provides a 195 foot building separation between the Yorkwood neighborhood and the two northerly development parcels (Parcels E and F). The site plan also disallows reflective glass as the sole exterior architectural element and limits building height to five stories on Parcels E and F.

The proposed site plan provides a 150 foot building separation (a 100 foot buffer and 50 foot setback) along the Parcel I edge located in the westerly portion of the site and an approximately 200 foot building separation (an approximately 56 foot buffer, a public street, associated landscaping, and a 50 foot setback) along the Parcel J edge located in the southwesterly portion of the site. The notes regarding building height and glass architectural elements were not proposed for Parcels I and J.

Subsequent to this petition's referral back to Zoning Committee, the petitioner agreed to extension to Parcel I of the architectural note and a five story height limitation, as measured from the highest existing ground elevation at the common property line. (See attached letter) The Zoning Committee viewed extension of the notes to Parcel J as unnecessary due to the larger building separation in this area.

The buffer treatment was also discussed and it was favorably noted that most of the westerly project edge buffer (along Parcel I) has been increased to 100 feet in addition to a 50 foot building and parking setback, which is substantially in excess of the zoning ordinance.

The remaining westerly edge treatment along Parcel J was also viewed as appropriate inasmuch as it provides an approximately 200 foot building separation composed of a buffer, a public street, related landscaping and a setback. The Zoning Committee viewed improvement of these proposed edge treatments as unnecessary. With the proposed site plan modifications regarding building height limitation and architectural control, the Zoning Committee viewed the petition as appropriate for approval. Therefore, this petition is recommended for approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Rec'd 4/26/93

ROBERT G YOUNG INC

April 22, 1993

Ms. Anne J. McClure
16114 Terry Lane
Huntersville, North Carolina 28078

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

Dear Anne:

The purpose of this letter is to respond to the recent deferral by the City Council on Monday, April 26, of the above referenced Rezoning Petition

As background information, you will recall that the Zoning Committee recommended by a unanimous vote that the City Council should approve this Petition As you are probably aware, The Hinshaw-Pearson Company, on behalf of their prospective home builder and the present owner of the property, filed a protest petition which remains in effect today. As we understand it, information contained in a rebuttal letter filed by Mr. Mike Hinshaw resulted in the Rezoning Petition being referred back to you for your reconsideration.

In his rebuttal letter, Mr Hinshaw cited several reasons for their continued opposition to the Rezoning Petition. He believes that the property which his company is about to develop immediately west of the Withrow tract has been treated unfairly when compared to the treatment given the existing Yorkwood neighborhood along the northerly edge of the site. I believe it is important that you fully understand the contents of his letter as there may be some misunderstanding in his explanations of the edge treatment of the Withrow site as well as a lack of other background information. For example, he notes that currently his property is separated by a "buffer" of not less than 250 feet and goes on to point out that the Yorkwood neighborhood has a buffer of approximately 195 feet to the nearest property line. Furthermore, he states that Yorkwood has retained its original "buffer" but that the Hinshaw-Pearson tract has had a reduction in its buffer to 150 feet. His assertion regarding the Yorkwood neighborhood is correct, but in actuality there has never been a proposed buffer under the current zoning/site plan adjacent to the Hinshaw-Pearson tract. The buffer that he makes reference to is in fact the area zoned for a small single-family subdivision, which is the subject of the Rezoning Petition. Under the rezoning plan as amended by your action, the Hinshaw-Pearson land now has a true (non-developable) 100 foot buffer plus a 50 foot building setback, thus disallowing any building from being built within 150 feet of the property line.

301 South McDowell Street Suite 404 Charlotte North Carolina 28204 (704) 334 9157

I would like to underscore the fact that the currently zoned Withrow plan provides for only a 40 foot building setback separation between the office park and the existing single-family zone in his plan. At the time of the original rezoning, this 40 foot separation was deemed to be adequate. Please, therefore, compare this situation to the buffer/setback treatment as currently proposed and I think you will conclude that the Hinshaw-Pearson land has received a superior edge treatment which dramatically exceeds the provisions of the zoning ordinance

Mr. Hinshaw's letter also makes reference to a disparity regarding building height and architectural controls, which he believes is unfair and unequal treatment when compared to the same conditions adjacent to the Yorkwood neighborhood We have reviewed the note regarding the architectural controls which he makes reference to (construction type/reflective glass) and will agree to add that condition to the building envelop designated as "I" on the site plan. As for the building height restriction issue, we have previously offered a compromise position which results, for all practical purposes, in the same height restriction conditions that he requests in his letter. The area of the Withrow site adjacent to the Yorkwood neighborhood has a five story height limitation. We offered the same restriction for building envelop "I", but as measured from the highest existing ground elevation at the common Hinshaw-Pearson/Withrow property boundary. This slight difference is based upon the fact that this edge is higher than the other topographic areas of the site and, therefore, may result in some grading or a "cut" in the land to provide for proper building pad development. Because it is anticipated this cut will occur, Mr. Withrow feels that a building somewhat taller than five stories may be built adjacent to the Hinshaw-Pearson tract, but because it would be in a cut or at a new lower elevation such a building should be acceptable so long as the building did not exceed five stories when measured from the common property boundary. This logic achieves the same effect regarding height restrictions as is already in place elsewhere, but the compromise offer was flatly rejected. In any event, we stand ready to once again offer this as a condition of the plan and would be happy to add this note to the plan per your instructions or actions when you discuss this matter.

In summary, the Petitioner now offers to the Hinshaw-Pearson Company 1) a buffer depth of 100 feet which is identical to that for the existing Yorkwood neighborhood, 2) a building height limitation in which any building built on envelop "I" will not exceed the equivalent of the height of a five story building as measured from the elevation of the common property line at its highest point, 3) the same reflective glass controls for envelop "I" as are present for those envelops adjacent to the Yorkwood neighborhood, and 4) a building setback line between the rear of the proposed homes in the Hinshaw-Pearson tract and the nearest office building on the Withrow land of a minimum of 150 feet, which is twice the minimum ordinance requirement in this instance. In my opinion, as well as that of my client, it is believed that the Hinshaw-Pearson tract has been

dramatically improved along its rear edge with the amendment and change in zoning as proposed by the Rezoning Petition We have regarded this as a win/win situation for both property owners. You agreed in your earlier discussions and recommendation and I hope that this explanation will once again enable you to send this Petition back to City Council with a unanimous recommendation for approval.

Sincerely,

Robert G. Young

cc: ✓Mr. Walter Fields
Charlotte Mecklenburg Planning Commission

PETITIONER: Withrow Capital

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

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

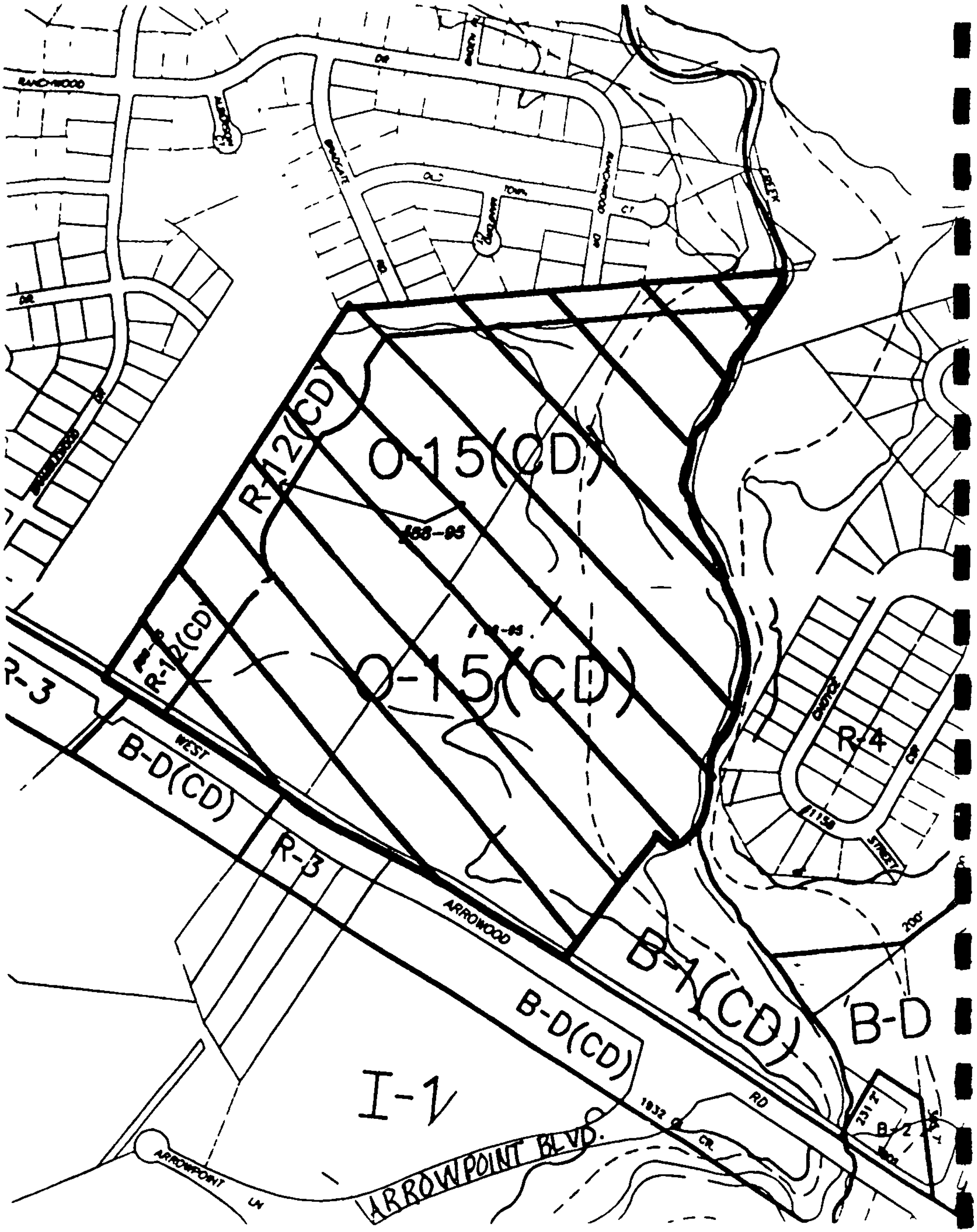
ZONING CLASSIFICATION, REQUESTED: O-1(CD) Site Plan Amendment, O-1(CD) [redacted]

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


O-15(CD)
R-12(CD)
O-15(CD)
R-12(CD)
R-3
B-D(CD)
WEST
R-3
ARROWOOD
B-1(CD)
B-D(CD)
B-D
I-1
ARROWPOINT BLVD.
ARROWPOINT
LN
RD
CR
R-4
STREET
CELTIC

DATE: April 26, 1993

PETITION NO.: 93-15

PETITIONER(S): Harry G. Kostopoulous and Pete H. Kanellopoulos

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

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

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

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

Nays: None.

Absent: None.

REASONS

This petition proposes rezoning from a single family residential category to a combination of conditional single family residential and conditional general business districts. The Zoning Committee noted that it had previously recommended approval of the petition and reaffirmed their earlier recommendation. Although there was some concern expressed regarding the proposed establishment of a B-2 rather than a B-1 category, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. Publicly adopted plans for this portion of Albemarle Road do not encourage additional commercial development and ample opportunities for additional commercial uses and commercial expansions are provided at key focal points at the major intersections along Albemarle Road.

PETITIONER: Harry G. Kostopoulos & Pete H. Kanellopoulos

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

ZONING CLASSIFICATION, EXISTING: R-3

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

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

ZONING MAP NO(s).: 114 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: April 26, 1993

PETITION NO.: 93-17

PETITIONER(S): Larry Campbell

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

LOCATION: A 2.4 acre site located on the east side of Statesville Road north of Cindy Lane.

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

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

Nays: None.

Absent: None.

REASONS

This petition proposes rezoning from a single family residential district to a conditional general business district to allow expansion of the existing wrecker service. The Zoning Committee discussed this petition for some time and expressed reservations regarding both the proposed establishment of commercial zoning on this portion of Statesville Road as well as the specifics of the site plan. Ultimately, the Zoning Committee deferred action on the petition to allow time for the petitioner to submit an improved site plan. The Committee noted the need for improved buffer treatments including the buffer treatment on the front portion of the site closest to Statesville Road. There was also concern regarding an existing fence that would be located on the exterior of the required buffer along the project edges. It was noted that a superior treatment would be to relocate the fence on the inside of the buffer. Therefore, this petition is deferred for 30 days to allow time for the petitioner to submit an improved site plan.

DATE: April 26, 1993

PETITION NO.: 93-18

PETITIONER(S): Charlotte-Mecklenburg Senior Centers Inc.

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

LOCATION: A 5.5 acre site located on the north side of Tyvola Road adjacent to Marion Diehl Park.

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

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

Nays: None.

Absent: None.

NOTE: Commissioner Whelchel abstained due to a conflict of interest.

REASONS

This petition proposes rezoning from a single family residential category to a conventional multi-family district. Although publicly adopted plans do not specifically target this area for multi-family residential development, the petition is considered appropriate for the area due to its relationship to Marion Diehl Park. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

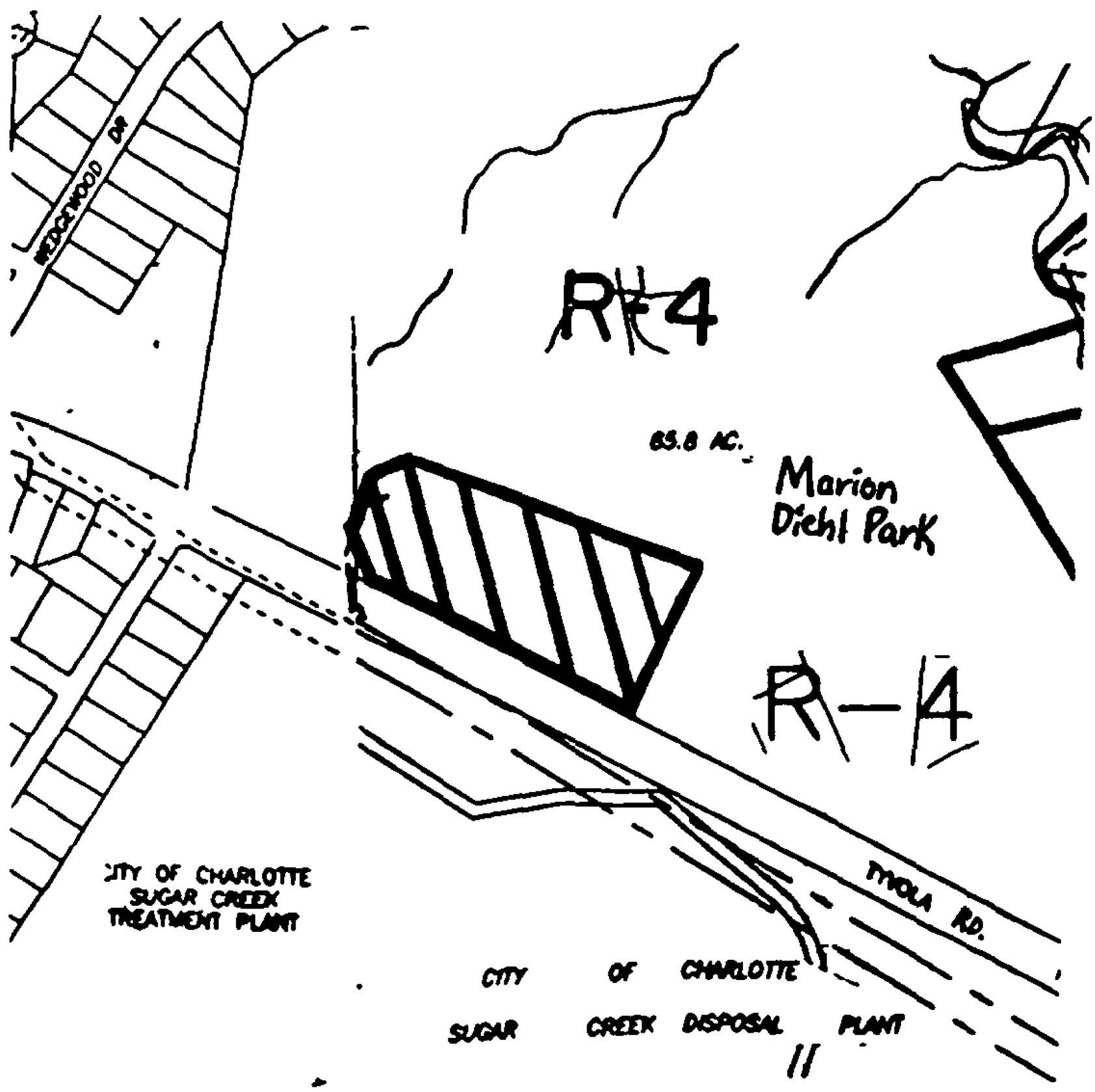
PETITIONER. Char-Meck Senior Centers, Inc.

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

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED R-17MF

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



ZONING MAP NO(s).: 134 & 135

SCALE 1" =400'

PROPERTY PROPOSED FOR CHANGE

Dinner Briefing

May 17, 1993

Mayor Vinroot	✓	McClure	✓
Campbell		Gloria Fenning	✓
Clodfelter	✓	Sara Spencer	✓
Hammond	✓	Don Whelchel	✓
McCrory	✓	Ken Baker	
Majeed		Vincent James	✓
Mangum	✓	John Jones	✓
Martin	✓		
Patterson	✓		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

5:15

Vinroot
Clodfelter
Vinroot
Dick Black
Vinroot
Reid
Black
Reid
Black

Wheeler
Underhill
Vinroot
Bill Culp
Vinroot
Martin / Wheeler put on 6/7 workshop
Vinroot
Scarborough
Vinroot
Black
#2 Vinroot - Regional Trans. A
Sonny Zimmerman
Vinroot
Wheeler
Zimmerman
Vinroot
Martin
Vinroot
Wheeler
Vinroot
Wheeler
Zimmerman
Vinroot
Hammond
Vinroot

Patterson
Mangum
Vinroot
Scarborough
Vinroot
Patterson
McCrory
Clodfelter
Vinroot
Zimmerman
Clodfelter
Zimmerman
Clodfelter
Vinroot
Clodfelter
Vinroot
Patterson
Reid
Vinroot
Reid
Vinroot
Clodfelter
Vinroot
Clodfelter
Zimmerman

Martin
Clodfelter
Wheeler
McCrory
Vinroot
Mangum
McCrory
Mangum
Martin
Clodfelter
Martin
Vinroot
Scar
Vin
Mc
Scar
Vinroot
McCrory
Patterson
McCrory
Patterson
Vinroot
Martin
McClure
Martin

McClure	(Fields shook his head no)
Martin	
McClure	
Martin	
Tom O'Brien -	Planning Comm. Work Plan
McCrory	
O'Brien	
McCrory	
Patterson	
O'Brien	
Martin Cramton -	all
O'Brien	
Cramton	
O'Brien	
Cramton - right, etc.	
O'B	
Clodfelter	Edna Cherico - Patsy Kinsey
Mangum	
McCrory	don't disagree
Mangum	
O'Brien	
Reid -	
Mayor	

Mayor
Hamm
Reid
Mayor
Reid — Citizens Transit Advisory Committee
Mayor
White
Reid
Hamm
Mayor
White
McC
Mayor
O'Brien
Hamm
O'Brien
Mayor
O'Brien
McC
Clark — Ad hoc Work Assignments
O'Brien
Clark
Mayor

Adjourn 6:00 pm

Zoning Meeting May 17, 1993

Mayor Vinroot ✓
Campbell absent
Clod Felter ✓
Hammond ✓
Mc Clary ✓
Majeed ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

McClure ✓
Ken Baker - Absent
Gloria Fenning ✓
Vincent Jones ✓
John Jones ✓
Don Whitehead ✓
John Tabor absent
(OVER) -

Parks Helms ✓
Doug Booth ✓
Patsy Kinsey ✓
Bob Walter ✓
Ann Schrader absent
6:05 Lloyd Scher absent
Edna Cherico absent

Vinroot
Hester - Invocation
Vinroot
Ann McClure
Don O'Brien
McCrory / Martin Move #11
to 1st Man.
Vinroot
Fields

Planning Committee was also present because # 93-14 (#5) was referred to them -

Tom O'Brien ✓
Vicky Bauman ✓
Mahlon Adams ✓
Ike Heard, Jr. ✓
Rowe Motley ✓

#95-25

Vinroot

David Krug - For

Jane Grau For

Pam Patterson For

Ken Lambla For

Ginny Johnson For

Vinroot

Frank Caldwell - Against

Development Standards Section 11.505 (#1)

Vinroot

Virginia Caldwell

David Krug

Ginny Johnson

Vinroot

McCrory / Wheeler Close Hrng.

Unan.

#1

Louis Bledsoe - Bishop Edwin D. Mouzon House

Vinroot

Mangum / Wheeler Close Hrng. Unan.

Mangum / Wheeler - App. - Unan.

#2 Vinroot - Morgan School

Louis Bledsoe

Vinroot

McCrory
Bledsoe
McCrory
Vin
McCrory Wheeler Close Hrg. Unan.
McCrory Wheeler App. - Unan.
Vinroot

#3 Vinroot # Sub 93-1 + 93-19
Fields
Vinroot
Ed McMahan - Against
Martin
McMahan
McCrory
Fields
McCrory
Fields
Vinroot
Fred Bryant
Hammond
Fields
Vinroot
McCrory
Majeed
McCrory

Fields - July 1 | Deadline

McCrory

Fields

McCrory

Fields

McCrory

Clodfelter

Fields

Clodfelter

Fields

Clodfelter

Kinsey - Doesn't think so.

Clodfelter

Majeed

Fields

Majeed

Fields

Scarborough

Fields

Hammond

Fields

Hammond

Fields

Vinroot

Mangum

Vinroot
McMahan
Vinroot
Morgan

Wheeler

Cole Hrg.
Tape

#4 - 93-20 - Vinroot
Fields - Does not change the zoning, but applies an extra layer of regulations
Underhill
Fields
Vinroot
Martin
Bob Clodfelter
Neil Castles -
Larry Williams - For
Scarborough
Williams
Scarborough
Williams
Scarborough
Williams
Clodfelter
Don Willard, Meck. Co. Environ. Prot. Agy.
Clodfelter

Tape 2 - somewhere in ~~here~~ this area.

Don Willard

Clodfelter

Martin

Vinroot

Bill Witherspoon

Martin

Neil Hammond / McCoy Chse Mng.

Castles Unan.

#5 Vinroot 93-14

Fields

Mark Cramer

Vinroot

Mangum

Patterson

Vinroot

Hammond -

Cramer

Hammond - Can you show me what it looks like?

Cramer Yes

Hammond

Cramer

Clodfelter

Patterson

Hammond

Cramer

Mec. Co.

Environ. Protection

Excuse Mangum to Second

75-14 cont'd.

Hammond This is a sham

Cramer Not a rezoning

Hammond

Cramer

Vinroot

Hammond

Cramer

Hammond - Homebuilders has taken us to court for charging fees.

Cramer

Patterson Why here now? - Give example.

Cramer

Patterson

Cramer

Patterson

Clodfelter

~~Cramer~~ Cramer

Clodfelter

Cramer

Clodfelter

Martin

Vinroot

Fields

Vinroot

Tom O'Brien

Vinroot

Craner
Vinroot
Pat Dayton
Mangum
Dayton
Mike Childs
Vinroot
Mangum
Childs
Vinroot
Patterson
Fields
Clodfelter - Other the Planning Comm.
Patterson
Vinroot
Hammond - There have been attempts to erode local government zoning authority?
Fields - only City of Charlotte
Hammond
Fields
Hammond
Fields
Hammond - HB 1204 - EXEMPT DEVELOPER'S REAL PROPERTY.
Fields - COUPLE MORE
Vinroot

Reid - THANK Tom
Clodfelter -
Vinroot
Paul Eich - If developers designed system,
Patterson - Waiting on #11?
Eich

McCrory / Patterson - Close Hrg.
Unan.

~~#6 - Vinroot~~ 93-16
Mangum / Scarborough
Move 93-22 - #8 next
Unan.

#8 - 93-22 - Vinroot
Fields
Vinroot
Fields
Vinroot
Reid
Fields
Martin
Fields
Martin
Fields - Designated for MH Park in 1985
Martin

Fields
Hammond
Fields
Majeed
Mangum
Fields
Mangum
Fields
Vinroot
Malcolm Blankenship - Petitioner
On City Water + Sewer
Are in compliance with 2005 Plan
Vinroot
Louis Walker
Debbie Moser - Tape 3, 9:02
Fred Bryant
Blankenship
Scarborough - What is your turnover rate?
Blankenship 5% per year
Scarborough - Police calls in
Timberline -
Fields
Scarborough - CD check for code violations
Wheeler - Opposed
Vinroot

McCrory / Scarborough Clse. Hosp. Unan.

Clodfelter / Patterson Move 93-23 up

#9-93-23

Break 9:12

Reconvene 9:15

Vinroot

Fields

Fred Bryant

Vinroot

Clodfelter - Staging of Day Care & Non-Day Care

Bryant

Clodfelter

Bryant

Clodfelter

Bryant

James Mungo - Hillsboro Acres

Scarborough

Mungo

Scarborough

Mungo

Scarborough

Mango
Glenn Baker
Vinroot
Susan Goetz
Bill McCrory
Fred Bryant
Mayfield
Bryant
Vinroot
Clodfelter
Bryant
Vinroot
Martin
Bryant
Martin
Vinroot
Clodfelter
Fields
Clodfelter
Fields
Clodfelter
Fields
Scarborough - Have Julie Burch &
CMUD to verify on this whether
Water & Sewer is available

Fulds
Vinroot
Morgan / Patterson Clse Hrng
Unan.

#6 93-16

~~Morgan~~ / Clse
Scarborough - Starling Comm. Doesn't understand
? Man from Lance in audience
Scarborough
Vinroot
Scarborough / Hammond Clse Hrg
Unan.

#7 - 93-21 Vinroot
Johnny Davidson ~~[illegible]~~
~~[illegible]~~ Vinroot
Martin
Fields
Martin
Fields
Martin
Fields
Vinroot

John H. Davidson
Dee Patterson
Martin

Texas.

#10-93-24 Vinroot
Fields
Derrick Knox
Martin
Knox
Martin
Knox
Vinroot
Paul Eich
Martin
Eich
Vinroot
Majeed -
Fields NE DISTRICT PLAN
Majeed
Fields
Majeed
Vinroot
McCrory
Vinroot

MC Crory Case Hrng.

N.A. Mathisen
Vinroot
Fields -1986 B-1
Majeed
Knox
Fields
Knox
Majeed
Fields
Vinroot
Wheeler / Mangum Case Hrng.
Unan.

Mangum

#12-93-26- Vinroot
Fields
Vinroot
Tom West
Mangum
Tom West - UMUD & NS Districts
Vinroot
Wheeler / Reid Case Hrng.
Unan.

#13 Mangum / Patterson Aff

Reid - Overpaying

Patterson

Reid

Mangum

Underhill

Reid

Unan.

Vinroot

#14 Patterson / Mangum Aff.

Hammond

White.

Hammond

Vinroot

Scarborough - can't look in Jan., 1995 off schedule - is it on schedule or not?

White - not off schedule as far as I know.

Scarborough

Vinroot

Majeed - Are you unready?

Hammond - No - Disparity in bid levels. Will support, but follow up -

VOTE - Unan.

#15 - Patterson / McCrory app.

Majeed - Received a call this morning & they shared info with one. Difference between $91,000 & $169,000 might not be a lot, but when

169,000
91,000
78,000

Vinroot
White
Majeed
White
Vinroot
Majeed
White
Majeed
White
Majeed
White
Majeed - hope we defer
White - critical to schedule
Reid - are we getting same conv. etc.
White

VOTE

No - Majeed

Freeze
White
Majeed

#16 93-9
Patterson/Reid App.
Mayor voted yes -
No - WHEELER, MARTIN

#17 93-15
Patterson/Reid App.
Subst. Hammond/Clodfelter - Deny
Hammond
Clodfelter
McCrory - Difficult position
Mangum - Not going to allow circumvention of 2 year rule.
Vinroot
Martin - Sticking 2 year rule
Subst. VOTE - YES - Hammond, Clodfelter, Mangum, Martin Scarborough
VOTE-ORIG. YES - Patterson, Reid, Vinroot, McCrory, Wheeler + Mayor
NO - Hammond, Mangum, Clodfelter, Martin, Scarborough

#18 93-17 - Vinroot
Patterson/Reid - Defer 30 days
Unan.

#19 93-18. Vinroot
Patterson/Mangum App. - Unan.

#20
Mangum/Martin - App. Unan.

#21 Mangum/Patterson - App.
Clodfelter - Add Petition 93-37
Mangum amend motion to
add 93-37
Unan.

Unrost
#22 Martin/Patterson
App. Executive Session
Unan.

Mangum/Martin Adjourn
10:50 p.m.