AGENDA

Meeting Type:	B
Date:	09-22-1993

City of Charlotte, City Clerk's Office

Zoning Meeting 9/22/93

Mayor absent until noted 7:52
Campbell ✓
Clodfelter ✓
Hammond absent until noted 8:24 p.m.
McCrory ✓
Majeed ✓
Mangum ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

Byrne absent
Carrow ✓
Jones ✓
Lassiter ✓
Wheeler
Mottley ✓
Noel ✓
Jerry McMurray ✓
Mattie Adams ✓

7:35 p.m.

Patterson
~~Atty~~ Underhill
Cox / Martin Elliot Cynder as presiding officer - Unan.
Patterson
Fields - 93-54
Patterson
Wheeler / Campbell defer 93-54

Fields
Campbell
Patterson
Underhill

Com

/Martin Defer
#15 & #17 - Unan.

Martin #13-
Underhill
Freeze
Underhill
Martin-
Underhill
Martin
Patterson
Martin
Underhill
Martin
Patterson
Martin /
Patterson - No need for a motion
Underhill
Mahlen Adams
#93-45 Patt
Wheeler Fields / Reid Clsc Hrng,
Unan.

93-53 - Says he delivered a protest petition to Darlene to deliver to our office. We did not receive it in Clerk's office.

#2 #93-46A
Patterson
Fields
Patrick
Patterson
Martin
Fields
Clodfelter
Fields
Bailey Patrick
Martin
Patrick
Martin
Patrick
Mike
Vinroot
Man

Vinroot arrived 7:52 p.m.

30 years +

/Wh Clse
Unan.

3 #93-46B
Vinroot
Man /Wh Clse
Unan.

4 #93-46C
Vinroot
Man / Wh Clse - Unan.

5 #93-46D
Mc /Whe Clse
Clodf
Fields
VOTE - Unan.

6 #93-46E
Vinroot
Wheeler /Mangum - Clse. Hrng.
Clodfelter Unan.
Fields
VOTE Unan.

#7 #93-47
Vinroot
Freeze
Vinroot
Fred Bryant
Vinroot
Whe /Mc Clse
Unan.

#8 - 93-48
Vinroot
McCrory
Vinroot
Frank Martin
Vinroot

Patterson
Frank Martin
Reid
Frank Martin
Reid
Frank Martin - '94 & '95 on fund raising.
Reid
Frank Martin
Hoyle Martin

Mangum / Martin Case Hung.
Unan.

#9- 93-49
Vinroot
David Jones
Vinroot
Wheeler Pearborough Case
Unan.

#10 93-50
Vinroot
Clodfelter
Fields
Clod
Fields
Vinroot

McCrory / Reid

Case. Hrng.
Union.

#11 93-51
Vinroot
Fields
Samuel Youngblood, III
Tom Kalin
McCrory
Kalin
Phillip Pace
P. B. Patel
Vinroot
Majeed
Fields
Vinroot
David Lockhart
Vinroot
Debbie Moser
Vinroot
Majeed
Samuel Youngblood
Vinroot
Majeed
Youngblood
Martin - What are options under

(Hammond arrived 8:24)

Fields - Current DayCare Only -
BD - Bakeries, fruit processing,
warehousing etc. Buffers greater
on BD.

Martin
Scarboro
Fields
Scarborough
Youngblood
Fields - not part of process to this point
Sc
Youngblood
Vin
Scarbo / Whe Clse
Unan.

#12 93-52
Vinroot
Fields
~~Eddie~~ Vinroot
Eddie Knox (Showed video)
Campbell
Knox
Campbell
Vinroot
Sam Smith

Patterson
Knox
Clodfelter
Knox $1200 to submit CD Plan
Patterson
Knox
Patterson
Scarborough
Son Smith 3 violations - Vehicles in setback
Patterson
Smith
Patterson
Scarborough
Fields on 7/11/90 letter sent to
10/18/90 to owner at that time
2/3/93

Vinroot
Fields
Knox
Martin
Fields - Violation of Zoning Ord. + Land Use
Martin
Knox
Martin

Knox
Vinroot
Mary Lynn Bugge
Knox
Patterson - Doug Gillis - Jr
Doug Gillis 25,400 veh
per day
Patterson
Gillis - Sharon Amity
Patterson - Send portions of NW Dist.
Plan that apply here.
Vinroot
Sc / Whe Clk
unan.

#13 93-53
Vinroot
Martin
Underhill
Martin
Mc Crory
McCrory - Martin
Clodfelter
Underhill
Martin
Fields

Martin
Fields
Man

/ Clod Expense
Hoyle Martin
Unan.

Vinroot
Fields
Martin
Vinroot
John Jennings
Clodfelter
Jennings
Marion Campbell
Majed
Campbell
Scarborough
Campbell
Scarborough - Have staff get back
some sidewalks + to her on when street
+ some curb gutter already lights, rest of curb + gutter + storm
done. drainage will be done
in Dalebrook Community.
Mr. Deson Stroud
Scarborough
Fields

Majeed
Stroud
Majeed
John Jennings
Clodfelter
Jennings - Portion on Dalebrook will
Scarborough
Jennings
Scarborough
Patterson
Fields
Patterson
Vinroot
Jennings
Majeed
Jennings
Patterson
Fields
Vinroot
SC PMC unan.

#14 - Leave as Deferred + readvertise

#16 McCrory | Wh
app.
unan.

#18 Mc | Wh
app. unan.

#19 Man | Wh
app.
unc

#20 Man | Maj app.
unan.

#21 Man | Hammond Deny

Subst. Scar | Mc
app.

Scarborough
Hammond
Fields
Hammond
Fields
Scarbor
McCrory
Scarborough

Reid
Fields
Reid
Fields
Mangum
Hammond
Fields
Hammond
Scarborough -
Campbell
Majed
Vinson
Martin
Fields
Martin
Fields
Martin
Scarborough -
Martin
Scarborough
McCrory - now R-22
Subst - VOTE -
No - Mangum, Ham, Reid

93-44

Man	Patt	Deny
Clodfelter		
Patterson		
Clodfelter		
Mahler Adams -		
Clodfelter		
Adams		
Fields		
McCrory		
Adams		
Mangum		
Adams		
Vinroot		
Underhill		
Hammond		
Underhill		
Fields		
Underhill		
Fields		
Vinroot		
Fields		
Scarborough		
Fields		
Reid		

Underhill -
Reid
Underhill
Reid
Underhill
Reid.
Underhill
Clodfelter - ← (Scarborough left 9:45)

Hope if denied working group keeps going to come up with something.

Wheeler
Vinroot
Martin
Underhill
Martin
Underhill
Martin
Underhill
Clodfelter.
Man
Vinroot
VOTE-Deny, - Unan.

Clodfelter
Special Use process

#23 Unroot
Man

/Martin - App.
unan

#24 Mangum /Wbe
App less 93-112
unan.

Mangum /Martin - adjourn
unan.
9:50 p.m.

CHARLOTTE

MEETINGS IN SEPTEMBER '93

SEPTEMBER 1 - 3

1 Wednesday 8 30 a m	**CIVIL SERVICE BOARD/HEARING (Closed)** CMGC Room 118
12 00 noon	**PLANNING COMMISSION/Planning Committee** CMGC 8th Floor Conference Room
3 30 p m	**TRANSIT/TRANSPORTATION STEERING COMMITTEE** CMGC Rooms 270 271
2, Thursday 3 30 p m	**CITY COUNCIL PLANNING COMMITTEE (Tour of South District)** CMGC Lobby

THE WEEK OF SEPTEMBER 6 - 10

6 Monday	**LABOR DAY HOLIDAY** All City Government Offices Closed
7, Tuesday 12 00 Noon	**PLANNING COMMISSION/**Work Session CMGC 8th Floor Conference Room
2 00 p m	**PLANNING COMMISSION/Planning Committee** CMGC 8th Floor Land Development Conference Room
2 00 p m	**PLANNING COMMISSION/Zoning Committee** - CMGC 8th Floor Conference Room
5 00 p m	**CITY COUNCIL WORKSHOP** CMGC Conference Center
8 Wednesday 8 00 a m	**CLEAN CITY COMMITTEE** CMGC Room 270
8 30 a m	**CIVIL SERVICE BOARD** CMGC 7th Floor Conference Room
9 00 a m	**AUDITORIUM COLISEUM CONVENTION CENTER AUTHORITY** New Convention Center Office 2940 One First Union Center
9 30 a m	**CIVIL SERVICE BOARD/HEARING (Closed)** CMGC Room 118
3 00 p m	***HISTORIC DISTRICT COMMISSION*** - *CMGC 8th Floor Conference Room*
9 Thursday 5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Meeting Chamber Conference Room
6 00 p m	**CITY COUNCIL MEETING/Public Hearing on Central District Rezoning** CMGC Meeting Chamber

THE WEEK OF SEPTEMBER 13 - 17

13, Monday 8 00 a m	**MAYOR'S INTERNATIONAL CABINET** CMGC Room 118
4 30 p m	**PLANNING COMMISSION/Zoning Committee** CMGC 8th Floor Conference Room
5 00 p m	**COUNCIL/MANAGER DINNER** - CMGC Conference Center
6 30 p m	**CITIZENS HEARING** CMGC Meeting Chamber (Televised Live on Cable Channel 16/32)
7 00 p m	**CITY COUNCIL MEETING** CMGC Meeting Chamber (Televised Live On Cable Channel 16/32)
7 00 p m	**HISTORIC LANDMARKS COMMISSION** Thies Building 500 N Tryon St Suite 200
14 Tuesday 8 00 a m	**AIRPORT ADVISORY COMMITTEE** Charlotte/Douglas International Airport Main Terminal Conf Rooms A&B
2 30 p m	**HOUSING APPEALS BOARD** CMGC 5th Floor Conference Room
15, Wednesday 5 00 p m	**CITIZENS CABLE OVERSIGHT COMMITTEE** CMGC 7th Floor Conference Room
5 00 p m	**ELECTED OFFICIALS RECEPTION & BRIEFING FOR TRANSIT/TRANSPORTATION STRATEGY** CMGC Conference Center
7 00 p m	**METROPOLITAN PLANNING ORGANIZATION** Union County Chamber of Commerce 903 Skyway Dr Monroe

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

MEETINGS IN SEPTEMBER '93 (Continuned)

THE WEEK OF SEPTEMBER 13 - 17 (Continued)

16, Thursday

2 00 p m	**CMUD ADVISORY COMMITTEE** Utility Dept 5100 Brookshire Blvd
5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Meeting Chamber Conference Room
7 00 p m	**CITY COUNCIL MEETING/Public Hearing on Central District Plan** CMGC Meeting Chamber
7 00 p m	**CHARLOTTE TREE ADVISORY COMMITTEE** CMGC Room 270

THE WEEK OF SEPTEMBER 20 - 24

20, Monday

11 00 a m	**PLANNING COMMISSION/Executive Committee** - CMGC 8th Floor Conference Room
5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Meeting Chamber Conference Room
6 00 p m	**CITY COUNCIL MEETING/ZONING HEARINGS** CMGC Meeting Chamber Conference Room

21 Tuesday

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

22 Wednesday

7 45 a m	**PRIVATE INDUSTRY COUNCIL** CMGC Conference Center
6 00 p m	**TRANSIT/TRANSPORTATION COMMITTEE OF 100** CMGC Conference Center

23 Thursday

4 30 p m	**CHARLOTTE TRANSIT ADVISORY COMMITTEE** CMGC Room 119
5 00 p m	**CHARLOTTE MECKLENBURG ART COMMISSION** Arts & Science Conference Room 214 N Church St

SEPTEMBER 27 - 30

27 Monday

4 30 p m	**PLANNING COMMISSION/Zoning Committee** CMGC 8th Floor Conference Room
5 00 p m	**COUNCIL/MANAGER DINNER** CMGC Conference Center
6 30 p m	**CITIZENS HEARING** CMGC, Meeting Chamber (Televised Live on Cable Channel 16/32)
7 00 p m	**CITY COUNCIL MEETING** CMGC Meeting Chamber (Televised Live On Cable Channel 16/32)

28 Tuesday

1 00 p m	**ZONING BOARD OF ADJUSTMENT** Hal Marshall Center 700 N Tryon Street
4 30 p m	**PLANNING COMMISSION/Zoning Committee** CMGC 8th Floor Conference Room

NOTE These organizations do not have meetings scheduled for SEPTEMBER·

Advisory Energy Commission
Firefighters Retirement Board
Insurance & Risk Management Advisory Board
Neighborhood Matching Grants Fund
Parade Permit Committee

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Wednesday, September 22, 1993

7 30 p m - ZONING HEARINGS
Meeting Chamber

Invocation by Rev Mike Dellinger, Southside Baptist Church

ITEM NO.

PUBLIC HEARINGS

1 (93-45) Hearing on Petition No 93-45 by Young Men's Christian Association of Greater Charlotte, for a change in zoning from R-3 to RE-2 for approximately 5 73 acres located on the south side of Mallard Creek Road west of W T Harris Boulevard

Attachment No 1

2 (93-46A) Hearing on Petition No. 93-46A by the City of Charlotte, to establish City zoning authority for approximately 1,461 acres in the US 29/NC 49 annexation area

Attachment No 2

3 (93-46B) Hearing on Petition No 93-46B by the City of Charlotte, to establish City zoning authority for approximately 854 acres in the Providence Road/Providence Road West annexation area

Attachment No 3

4 (93-46C) Hearing on Petition No. 93-46C by the City of Charlotte to establish City zoning authority for approximately 2,514 acres in the Elm Lane West/Providence Road West annexation area

Attachment No 4

5. (93-46D) Hearing on Petition No 93-46D by the City of Charlotte to establish City zoning authority for approximately 951 acres in the York Road/Beam Road annexation area

Attachment No 5

6 (93-46E) Hearing on Petition No 93-46E by the City of Charlotte to establish City zoning authority for approximately 3,863 acres in the NC 16/NC 27 Annexation area

Attachment No 6

7 (93-47) Hearing on Petition No 93-47 by Dan G Yates for a change in zoning from I-2 to B-2 for approximately 13,260 square feet located on the northeast corner of Hargrove Avenue and Rosemont Avenue

Attachment No 7

8 (93-48) Hearing on Petition No 93-48 by Historic Rosedale Foundation, Inc for a change in zoning from R-4 to B-2(CD) for an 8 24 acre site located on the northwest corner of North Tryon Street and Hilo Drive

Attachment No 8

9 (93-49) Hearing on Petition No 93-49 by Fairview Providence Associates Limited Partnership for a change in zoning from R-15MF(CD) to R-17MF(CD) for a 12.54 acre site locate on the southwesterly corner of Fairview Road and Providence Road

A protest petition has been filed and <u>is not sufficient</u> to invoke the 20% rule

Attachment No 9

10 (93-50) Hearing on Petition No 93-50 by Toney Fitzgerald for a change in zoning from I-2 to I-1 for a 10 66 acre site located on the south side of the I-85 Service Road east of Starita Road

Attachment No 10

11 (93-51) Hearing on Petition No 93-51 by Samuel M Youngblood, III for a change in zoning from R-12MF(CD) to B-D for a 4,280 square foot parcel bound by Neal Drive, McGill Street and Heathway Drive

A protest petition has been filed PROTEST IS SUFFICIENT

Attachment No 11

12 (93-52) Hearing on Petition No 93-52 by Alan and Terry Beaty for a change in zoning from I-1 to I-2 for approximately 5.27 acres located on the northeasterly side of Brookshire Boulevard east of Caldwell Williams Road PROTEST NOT SUFFICIENT

Attachment No 12

13 (93-53) Hearing on Petition No. 93-53 by McDonald's Cafeteria, Inc for a change in zoning from R-4 and R-5 to B-2 for approximately 2 5 acres located off the east side of Beatties Ford Road between A Avenue and Wilson Avenue, and approximately 1 27 acres located on the north side of I-85 at the end of Spring Street

Attachment No 13

14 (93-54) Hearing on Petition No 93-54 by Fletcher G Keith for a change in zoning from B-1SCD to B-1(CD) for approximately 4 92 acres located on the northwesterly corner of U S Highway 29 and Carley Boulevard

Attachment No 14

DECISIONS

15. (93-27) Decision on Petition No. 93-27 by Harold Jolly for a change in zoning form R-4 to R-8MF(CD) for approximately 2.2 acres located on the west side of Oakdale Road, south of Dale Avenue

Campbell/Martin Defer #15 & #17 for 30 days unan

This hearing was continued from the June 21

At the July 19th meeting, the petitioner requested some time to work on his site plan, therefore the Zoning Committee did not take action on this petition at this time

16 (93-38) Decision on Petition No 93-38 by J C and Dianne Vandevere for a change in zoning from I-2 to UMUD for a 2 45 acre tract located on the southwest corner of East Morehead Street and Vandevere Place (formerly South College Street)

Ord #1 #3630-2 B-43 p-229

McCoy/Fischer app. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No 16

17 (93-39) Decision on Petition No 93-39 by John Crosland Company for a change in zoning from R-9MF(CD) to R-6 for a 19 46 acre site located on the easterly side of Idlewild Road east of Elwood 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

The Zoning Committee deferred action on this petition to the next work session (September 27, 1993)

Attachment No 17

18 (93-40) Decision on Petition No 93-40 by Baucom Press, Inc for a change in zoning from I-1, B-1 and R-17MF to B-2(CD) for a 2.25 acre site located on the south side of Susan Drive east of W. T Harris Boulevard

Ord. #2 # 3631-2 B 43 p-232

McCoy/Wheeler app. - unan.

The Zoning Committee recommends that this petition be approved

Attachment No 18

19 (93-41) Decision on Petition No 93-41 by City of Charlotte Engineering Department for a Text Amendment to the Zoning Ordinance to amend the reference to the City's stormwater manual to reflect the adoption of a new design manual

Ord. #3 #3632 B. 43 p. 235

Mangum/Wheeler App. unan.

The Zoning Committee recommends that this petition be approved

Attachment No 19

20 (93-42) Decision on Petition No 93-42 by J. Michael Shaheen for a change in zoning from B-1 to NS (Neighborhood Services) for a 4 acre site located at the intersection of 7th Street and Pecan Avenue.

Ord. #4 #3633 B. 43 p. 236

11-unan/Majed App. unan.

The Zoning Committee recommends that this petition be approved

Attachment No 20

21 (93-43) Decision on Petition No 93-43 by Matthew A Sullivan for a change in zoning from R-22MF to B-2(CD) for approximately 53 acres located on the south side of Denver Avenue east of Morris Field Drive

Ord. #5 #3634-2 B. 43 p. 240

Mangum/Hammond Deny

The Zoning Committee recommends that this petition be denied

Attachment No 21

Del St. Sec brought/McCrory App. No-Mangum, Hammond, Reid

22 (93-44) Decision on Petition No 93-44 by the Charlotte City Council for a text amendment to the Zoning Ordinance to establish guidelines for the improvement, expansion or replacement of existing group homes

Mangum/Patterson Deny unan.

The Planning Committee recommends that this petition be denied

Attachment No 22

Res. #1 B. 31 p. 334

11-unan/Martin unan.

23 Recommend adoption of a resolution calling for a joint public hearing on Wednesday, October 20, 1993, by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Parks Cramer Company Complex and the land associated therewith as a local Historic Landmark

Res. #2 B. 31 p. 336

24 Recommend adoption of a resolution calling for public hearings on Wednesday, October 20, 1993, at 6 00 p m. in the Meeting Chamber, on Petition Nos 93-108 through 93-113 for zoning changes

Pet No 93-112 Deleted by Planning Dept 9/15/93

11-unan/Wheeler + app. Res 93-113 Rich 93-54 unan.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 6, 1993

Mayor and City Council:

RE: Petitions to be Heard in September, 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, September 20, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-45

Petitioner: Young Men's Christian Association

Location: Approximately 5 73 acres located on the south side of Mallard Creek Road west of W. T. Harris Boulevard.

Request: Change from R-3 to RE-2.

BACKGROUND

1. **Existing Zoning.** The petitioned property is zoned R-3 as is the tract located to the east of Newkirk Street which is the subject of a pending County rezoning petition which also seeks the RE-2 category. Adjoining properties south of Mallard Creek Road and Harris Boulevard are zoned RE-2. Properties located to the north of Mallard Creek Road are zoned a combination of 0-1(CD), B-1(CD), 0-15(CD), R-15MF(CD), and R-3. Properties located to the north of Harris Boulevard are zoned RE-1.

2. **Existing Land Use.** The petitioned property is developed with single family residential homes as are several nearby tracts along Newkirk Street. Much of the surrounding property is vacant. Other nearby properties are developed with Research Park development, a multi-family residential complex and single family residential homes.

3. **Public Plans and Policies.**

    1. **2005 Plan.** The 2005 Plan indicates existing employment uses associated with University Research Park. The 2005 strategies include the improvement and realignment of Mallard Creek Road, expansion of sewer lines in the area, extension of the greenway system in the area, and the designation of a Development Enterprise Area.

    2. **Northeast District Plan (adopted 1990).** The Northeast District Plan recognizes the research park as a major employment center for the northeast. The plan envisions the expansion of the research boundary north of Mallard Creek Road and east of I-85. Due to the strong market forces in the area, the Mallard Creek Basin Development Enterprise Area has been deleted from the district plan. The plan recognizes numerous retail and commercial focal points at locations such as University Place, the intersection of Harris Boulevard and Cheshire Road, the Davis Lake Center, and the Sugar Creek Road/Mallard Creek Road area.

3 **Greenway Master Plan.** The Greenway Master Plan includes the Mallard Creek Greenway.

4. **Transportation Improvement Program.** The Transportation Improvement Program includes the Harris Boulevard West widening from Mallard Creek Road to I-77 and the Mallard Creek Road widening from Graham Street Extension to Mallard Creek Church Road.

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

5. **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

Petition No.	Request	Action	Date
1. 67-55	R-12, B-2, & I-1 to R-12, I-1, & RE	Approved	11/27/67
2. 70-19	R-12 to R-12MF	Approved	05/18/70
3. 83-14(c)	R-15, R-12, R-9, R-12MF, R-9, R-6MFH to RE-02 & 0-15	Approved	10/17/83
4. 85-42(c)	R-12 to R-15MF(CD)	Approved	10/21/85
5. 86-53(c)	R-12 to RE-2	Approved	10/20/86
6. 85-42(c)	R-12 to R-15MF(CD)	Approved	10/21/85
7. 85-62(c)	R-12 & R-15 to R-12(CD), R-9(CD), R-9MF(CD), R-20MF, & B-1SCD	Approved	03/17/86
8. 88-4(c)	R-12(CD), R-9MF(CD) to R-12	Approved	02/15/88
9. 88-45(c)	R-15MF(CD) to R-15MF(CD) Site Plan Amendment	Approved	10/17/88
10. 90-27(c)	RE-2 to RE-1	Approved	08/20/90
11. 92-21	0-15(CD) and RE-2 to 0-1(CD)	Approved	05/18/92
12. 92-65	0-15(CD) to B-1(CD)	Approved	11/16/92

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

REVIEWS

1. **Plan Consistency.** Publicly adopted plans for the area recognize it as one of continued Research Park expansion and employment land uses. Therefore, this petition is consistent with public plans for the area.

2. **Technical Consistency.**

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

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

ISSUES

1. **Land Use.** This petition raises no land use issues. It seeks a change to a Research classification in an area in which publicly adopted plans call for continued Research Park expansion Therefore, the petition is considered appropriate for approval from a land use standpoint.

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

CONCLUSION

This petition is recommended for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: July 30, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-45: Mallard Creek Road at Newkirk Street

This site could generate approximately 187-204 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 370 trips per day assuming a 50,000 square foot facility. This will not have a significant impact on the surrounding thoroughfare system.

This segment of Mallard Creek Road is scheduled for widening by the North Carolina Department of Transportation (Project # U-2507).

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

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

Any proposed driveway connection(s) to Old Mallard Creek Road or Newkirk Street will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. Any proposed driveway connection to Mallard Creek Road will also require North Carolina Department of Transportation 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 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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Jeffrey R. Wakeman
YMCA of Greater Charlotte
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 93-45
Date Filed July 6, 1993
Received By T. Davis

OFFICE USE ONLY

Ownership Information

Property Owner Young Men's Christian Association of Greater Charlotte

Owner's Address 500 E. Morehead St. Charlotte, NC 28202

Date Property Acquired May 27, 1992

Tax Parcel Number See Listing

Location of Property (address or description) See Listing

Description of Property

Size (Sq Ft.-Acres) See Listing Street Frontage (ft.) See Listing

Current Land Use Residential

Zoning Request

Existing Zoning R-3 Requested Zoning R.E.-2

Purpose of Zoning Change To use property for a YMCA facility

Jeffrey R Wakeman
Name of Agent

7106 Kinmore Ln Charlotte NC 28269
Agent's Address

(704) 598-5256
Telephone Number

Young Men Christian Assn. of Greater Charlotte
Name of Petitioner(s)

500 E. Morehead St, Charlotte 28202
Address of Petitioner(s)

(704) 339-0379
Telephone Number

VP. Finance
Signature

Signature of Property Owner
if Other Than Petitioner

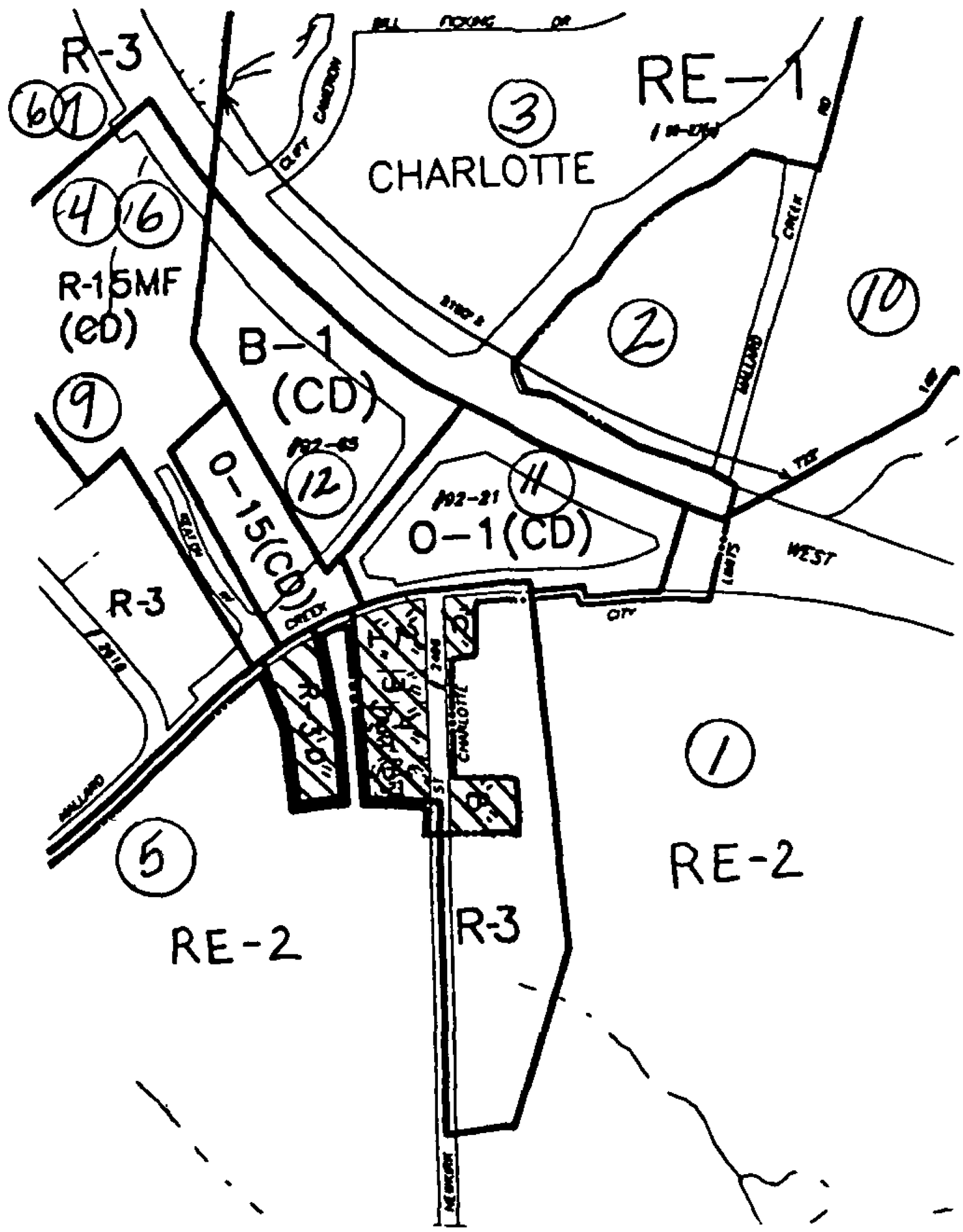
Petition #: 93-45

Petitioner: Young Men's Christian Association **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): RE-2

Location: Approximately 5.73 acres located on the south side of Mallard Creek Road at Newkirk Street designated as Lots 1, 2, 3, 4, 5, 6, and B, C and D.



Zoning Map #(s): 58

Scale: Not to Scale

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-46

Petitioner: City of Charlotte

Location: Approximately 9,643 acres located within five areas recently annexed by the City of Charlotte.

Request: Establish zoning jurisdiction of the City of Charlotte.

BACKGROUND

The subject properties were annexed by the City of Charlotte on June 30. The City has 90 days to establish City zoning in the area. It is recommended that the City establish its zoning jurisdiction utilizing the same zoning classifications which presently exist under the County's zoning jurisdiction for the areas annexed.

N.C. 16/N.C. 27 SUBAREA

It is the staff's understanding that representatives of the Martin Marietta Quarry property may appear at the public hearing and request that City Council establish a conditional district for that site rather than the existing County zoning district.

N.C. 16/N.C. 27 SUBAREA

It should be noted that the N.C. 16/N.C. 27 annexation area falls within the State's designated watershed boundaries. Therefore, this area is subject to the City's watershed protection regulations.

CONCLUSION

This petition seeks to establish City zoning jurisdiction on approximately 9,643 recently annexed acres utilizing the same zoning classifications which presently exist under the County's jurisdictions.

NOTE: In order to meet the 90 day deadline for establishment of City zoning, Council will need to render a decision by September 30.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-46A

Date Filed July 6, 93

Received By T. Rhames

OFFICE USE ONLY

Sept. 93

Ownership Information

Property Owner USDA/NC 49 Annexation Area

Owner's Address

Date Property Acquired Annexation to become effective on June 30, 1993

Tax Parcel Number 1104 Parcels

Location of Property (address or description)

Area located Northeast of the existing city limits between Exchange U.S. 29 & NC 49

Description of Property

Size (Sq. Ft.-Acres) 1,461 Street Frontage (ft.)

Current Land Use Mostly Residential, Nonresidential uses include Pisgah Pavilion, Martin Marietta Quarry, + Wertford Plaza

Zoning Request

Existing Zoning R-3, R-4, R-12 MF(CD), R-15 MF(CD), B-1, B-1(CD), I-2, I-2(CD) Requested Zoning SAME

Purpose of Zoning Change To establish City zoning authority in the Annexed Areas.

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) City of Charlotte

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition #: 93-46A

Petitioner: City of Charlotte **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-12(CD), R-15MF(CD), R-3, R-4, R-12MF(CD), B-1, B-1(CD), I-2 AND I=2(CD)

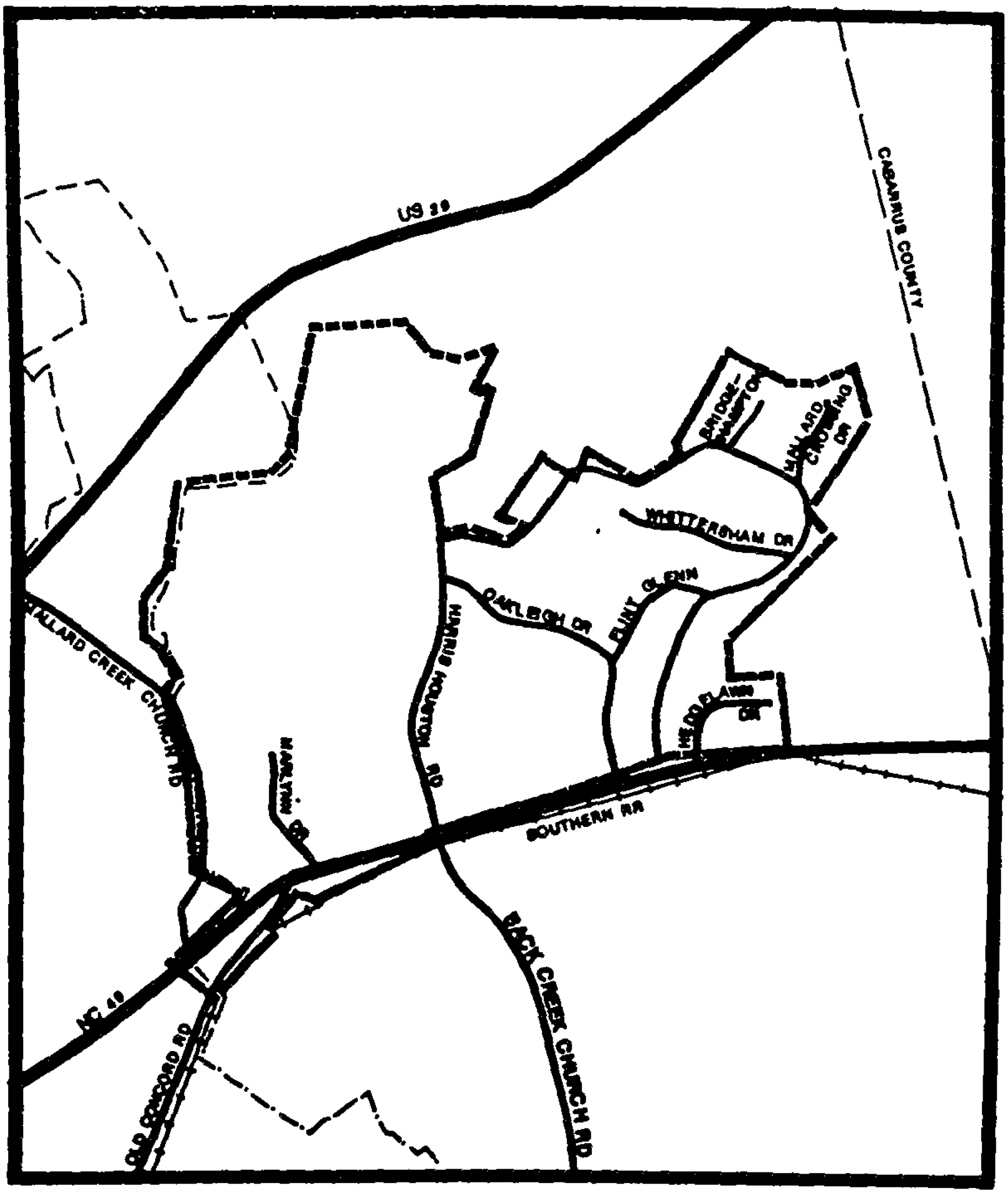
Zoning Classification (Requested): Same

Location: US 29/NC 49 Annexation Area

SEE ATTACHED MAP

Zoning Map #(s): Several **Scale: Not to Scale**

US 29/ NC 49



N

Annexation Area Boundary — — Present City Limits

Proposed Annexation Area

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-46B
Date Filed July 6, 1993
Received By T. Rao

OFFICE USE ONLY

Ownership Information

Property Owner Providence Road/Providence Road West Annexation Area

Owner's Address

Date Property Acquired Annexation To Become Effective June 30, 1993

Tax Parcel Number 629

Location of Property (address or description) South of the present city limits in the vicinity of Providence Rd, Kuykendall Rd, McKee Rd, & Prov. Rd W.

Description of Property

Size (Sq. Ft.-Acres) 854 acres Street Frontage (ft.)

Current Land Use Predominantely Residential, nonresidential uses include Providence Presbyterian Church and part of the Charlotte Latin school campus.

Zoning Request

Existing Zoning R-3, INST, R-15MF(CD), + B-1SCD Requested Zoning SAME

Purpose of Zoning Change To establish City zoning authority in the annexed areas

Name of Agent

Agent's Address

Telephone Number

City of Charlotte
Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

Petition #: 93-46B

Petitioner: City of Charlotte **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-15MF(CD), R-3, INST. and B-1SCD

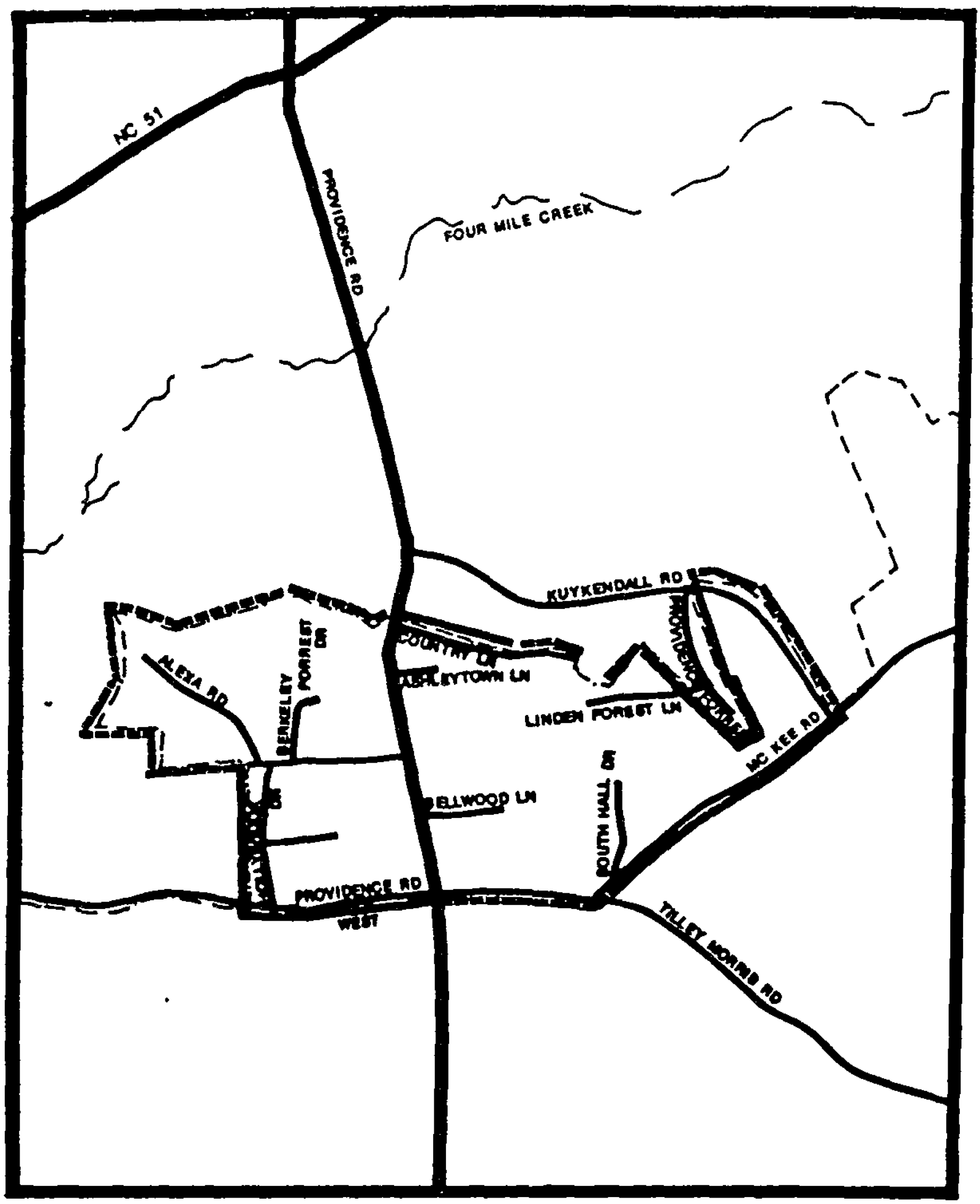
Zoning Classification (Requested): Same

Location: Providence Road/Providence Road West Annexation Area

SEE ATTACHED MAP

Zoning Map #(s): Several **Scale: Not to Scale**

PROVIDENCE RD WEST



N

Annexation Area Boundary

Present City Limits

Proposed Annexation Area

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-46C

Date Filed July 6, 1993

Received By T. Thomas

OFFICE USE ONLY

Ownership Information

Property Owner ELM LANE West / Providence Road West

Owner's Address

Date Property Acquired Annexation To Become Effective June 30, 1993

Tax Parcel Number 1679

Location of Property (address or description) South of the existing city limits in the vicinity of NC 51, Strawberry Lane, Prov Rd West & Elm Ln

Description of Property

Size (Sq. Ft.-Acres) 2514 ACRES Street Frontage (ft.)

Current Land Use Mostly residential, NONresidential uses include Shops at Piper Glen, Piper Glen Golf Course & Country Club And Calvary Church

Zoning Request

Existing Zoning R-3, R-15(CD), R-12(CD), R-12MF(CD), R-15MF(CD), R-12PUD, R-20MF, B-1SCD Requested Zoning SAME

Purpose of Zoning Change To establish City zoning authority in the annexed areas

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition #: 93-46C

Petitioner: City of Charlotte **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-12(CD), R-15MF(CD), R-3, R-12PUD, R-12MF(CD), R-15(CD), R-20MF AND B-1SCD

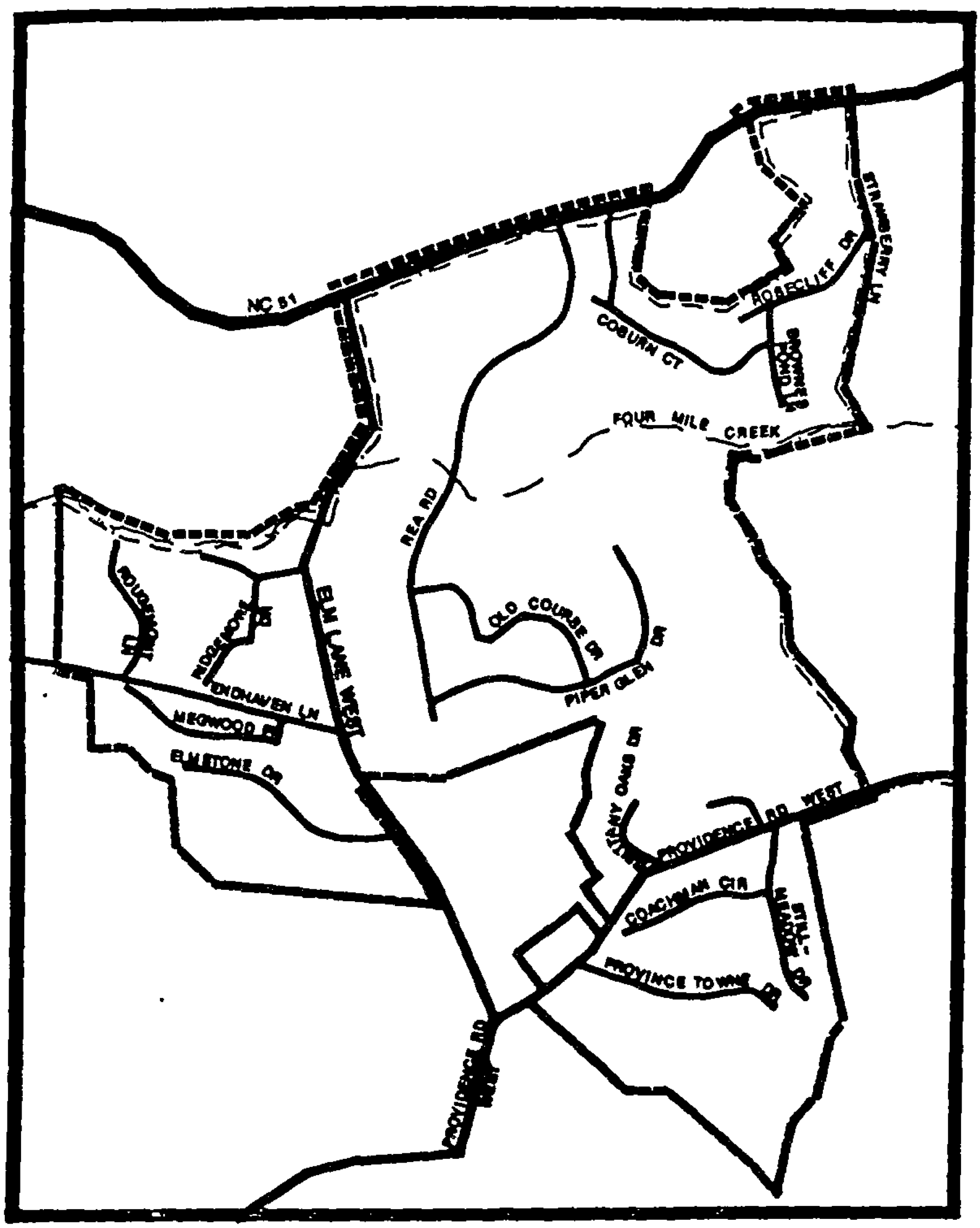
Zoning Classification (Requested): Same

Location: Elm Lane West/ Providence Road West Annexation Area

SEE ATTACHED MAP

Zoning Map #(s): Several **Scale:** Not to Scale

ELM LANE WEST/ PROVIDENCE RD WEST



N

Annexation Area Boundary

Present City Limits

Proposed Annexation Area

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-46D

Date Filed July 6, 1993

Received By T. Mace

OFFICE USE ONLY

Ownership Information

Property Owner York Road / Beam Road Annexation Area

Owner's Address

Date Property Acquired Annexation - To become Effective June 30, 1993

Tax Parcel Number 654 parcels

Location of Property (address or description) Southwest of the current city limits in the vicinity of York, Beam, And Arrowood Roads

Description of Property

Size (Sq. Ft.-Acres) 951 acres Street Frontage (ft.)

Current Land Use Mostly residential, some business establishments, such as Robert's Systems + Hacoba Textile Finishing

Zoning Request

Existing Zoning B-2(CD), B-1SCD, I-1, I-2, R-3, R-12MF, R-17MF, R-12MF(CD), B-1 Requested Zoning SAME

Purpose of Zoning Change To establish city zoning authority in the annexed areas.

City of Charlotte

Name of Petitioner(s)

Name of Agent

Address of Petitioner(s)

Agent's Address

Telephone Number

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition #: 93-46D

Petitioner: City of Charlotte

Hearing Date: September 20, 1993

Zoning Classification (Existing): R-3, R-12MF(CD), B-1, I-1, I-2, B-2(CD), B-1SCD, R-12MF AND R-17MF

Zoning Classification (Requested): Same

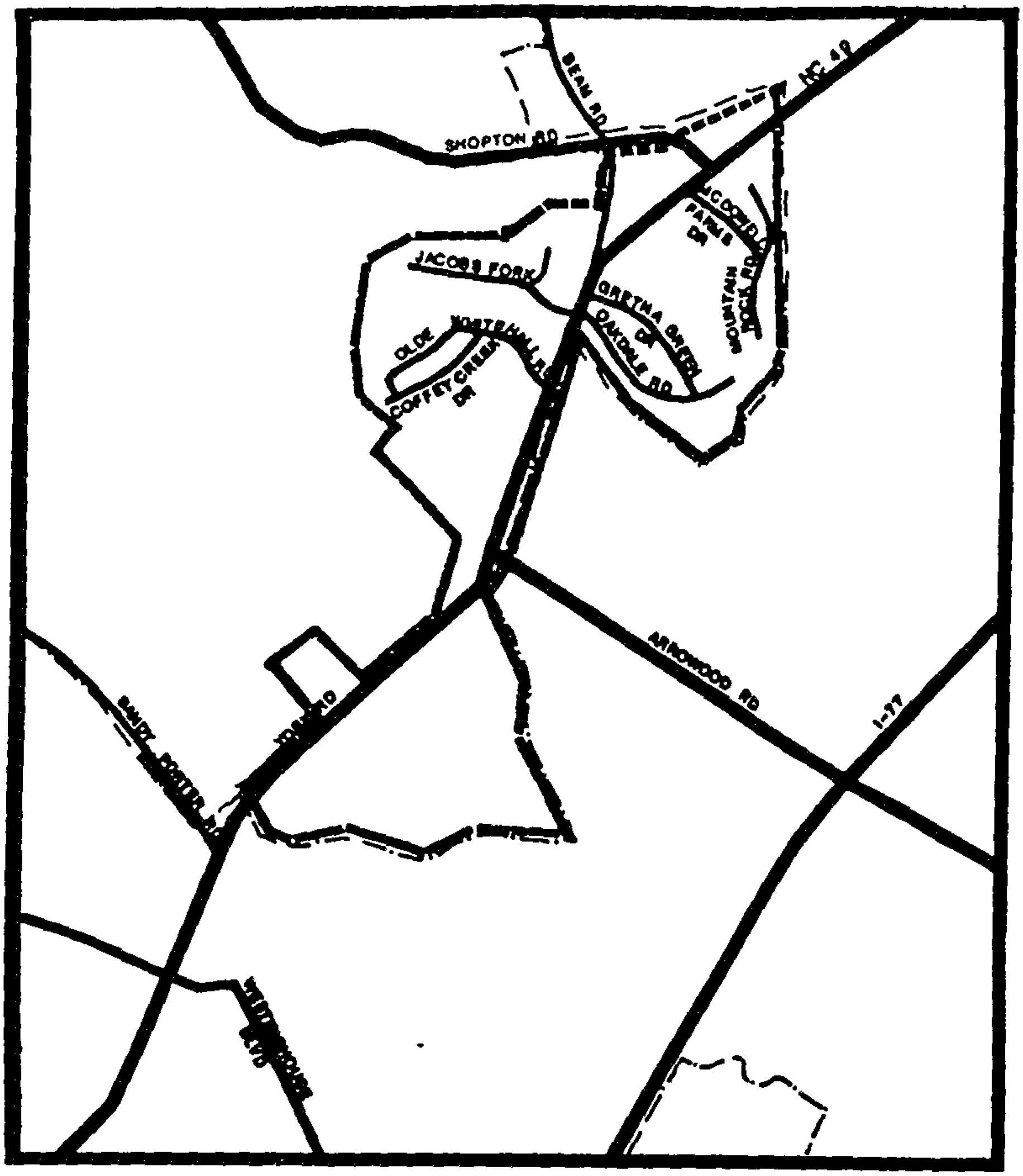
Location: York Road/ Beam Road Annexation Area

SEE ATTACHED MAP

Zoning Map #(s): Several

Scale: Not to Scale

YORK RD/ BEAM RD



N

Annexation Area Boundary — · — Present City Limits

Proposed Annexation Area

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-46E

Date Filed July 6, 1993

Received By T. Mans

OFFICE USE ONLY

Ownership Information

Property Owner NC 16 / NC 27 Annexation Area

Owner's Address

Date Property Acquired Annexation To Become Effective on June 30, 1993

Tax Parcel Number 1818 parcels

Location of Property (address or description) Northwest of the existing city limits.

Description of Property

Size (Sq. Ft.-Acres) 3863 Acres Street Frontage (ft.)

Current Land Use Mixture of residential and nonresidential developments.

Zoning Request

Existing Zoning B-1, B-2, B-1SCD, I-1, I-2, I-1(CD), I-2(CD) R-3, R-4, R-MH, R-17MF, R-9MF(CD), R-12MF(CD) Requested Zoning SAME

Purpose of Zoning Change To establish city zoning authority in the annexed area.

Name of Agent

Agent's Address

Telephone Number

City of Charlotte

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Petition #: 93-46E

Petitioner: City of Charlotte **Hearing Date:** September 20, 1993

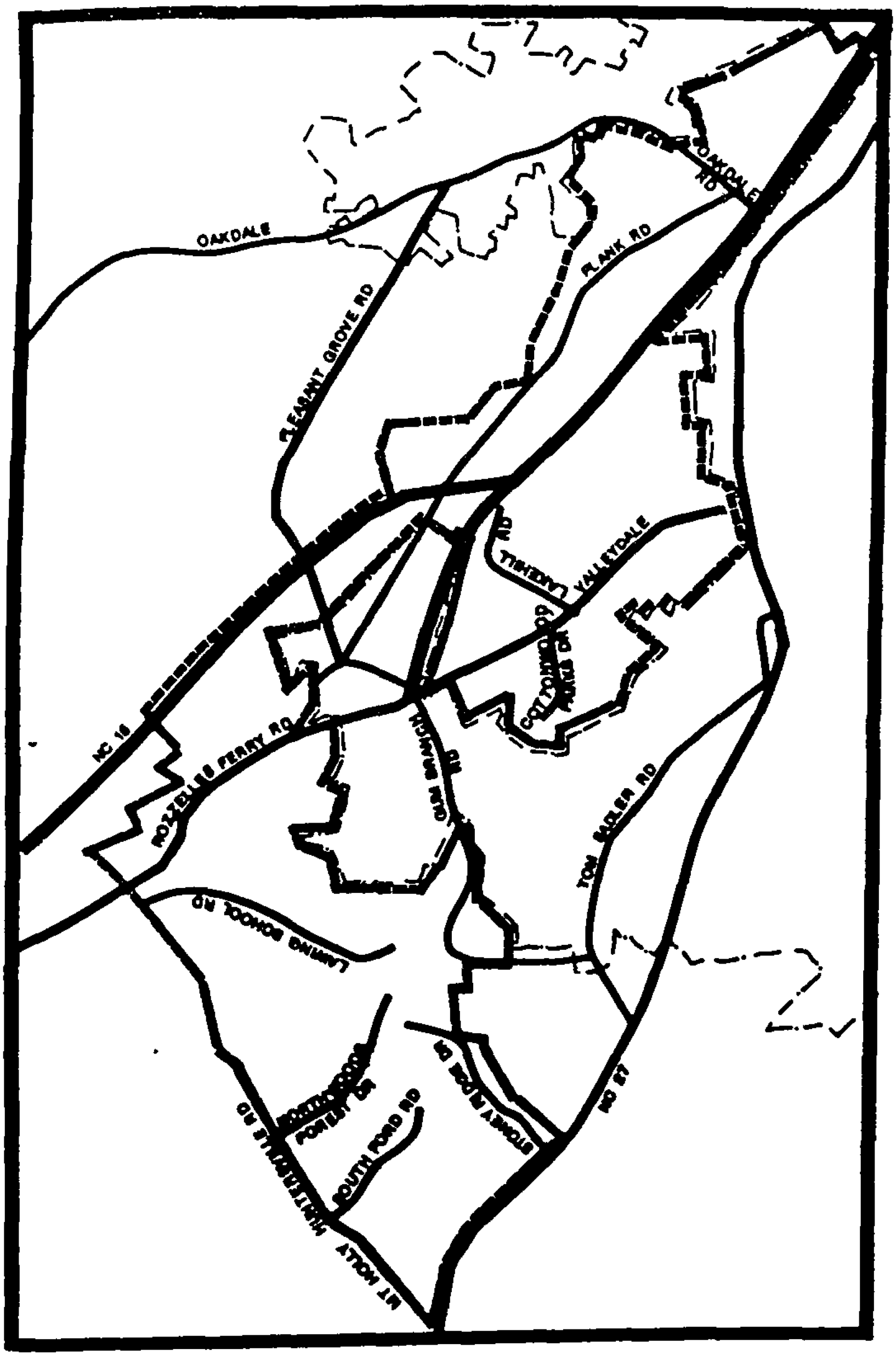
Zoning Classification (Existing): R-3, R-4, R-12MF(CD), B-1, B-2, I-1, I-2, B-1SCD, I-1(CD), I-2(CD), R-MH, R-17MF AND R-9MF(CD)

Zoning Classification (Requested): Same

Location: NC 16/ NC 27 Annexation Area

SEE ATTACHED MAP

Zoning Map #(s): Several **Scale: Not to Scale**



Annexation Area Boundary — · — Present City Limits

Proposed Annexation Area

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-47

Petitioner: Dan G. Yates

Location: Approximately 13,260 square feet located on the northeast corner of Hargrove Avenue and Rosemont Avenue.

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

BACKGROUND

1. **Existing Zoning.** The petitioned property is zoned I-2 as are nearby properties south of Wilkinson Boulevard Properties located north of Wilkinson Boulevard are zoned a combination of I-1, B-2, and 0-2.

2. **Existing Land Use.** The petitioned property is the site of an existing vault and cremation chamber. Surrounding and nearby properties are developed with a variety of industrial, commercial, office and residential uses.

3. **Public Plans and Policies.**

   1. **2005 Plan.** The 2005 Plan indicates existing employment type land uses in the area of the subject property. The 2005 strategies include streetscape improvements along Wilkinson Boulevard, improvements to Billy Graham Parkway and potential light rail service.

   2. **Westerly Hills/Ashley Park (adopted 1984).** The Westerly Hills/Ashley Park Small Area Plan recommended that the Planning Commission staff conduct a special project plan for the Wilkinson Boulevard Corridor.

   3. **Wilkinson Boulevard Special Project Plan (adopted 1986).** The Wilkinson Boulevard Special Project Plan recommends development of a gateway corridor zoning district for Wilkinson Boulevard as a prototype for other gateways in Charlotte. Emphasis in this new district would be placed on visual quality through the use of design performance standards. The Plan also recommends streetscape improvements along Wilkinson Boulevard and supports the location of employment uses along the corridor.

   4. **Central District Plan (adopted 1992).** The Central District Plan supports the recommendations of the Westerly Hills/Ashley Park Small Area Plan and Wilkinson Boulevard Special Project Plan and recognizes industrial zoning and land uses in the area.

   5. **Transportation Improvement Program.** The Transportation Improvement Program includes the Billy Graham Parkway/Wilkinson Boulevard Interchange.

This project provides for an interchange to be constructed for Billy Graham Parkway and Wilkinson Boulevard. Funding has been provided for right-of-way protection only.

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

5. **School Information.** Not applicable.

Petition No.	Request	Action	Date
1. 88-70	I-2 to I-1	Approved	10/17/88
2. 89-15	0-6 and R-6MF to B-2(CD)	Denied	04/17/89

7. **Neighborhood.** This petition falls within the area defined as the Westerly Hills neighborhood.

REVIEWS

1. **Plan Consistency.** This petition seeks rezoning from a general industrial district to a general business classification in an area in which publicly adopted plans envision employment type land uses. Therefore, the petition is considered consistent with publicly adopted plans for the area.

2. **Technical Consistency.**

   1. **Pre-Hearing Staff Input.** The staff discussed the petition with the petitioner and petitioner's agent prior to filing.

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

ISSUES

1. **Land Use.** This petition raises no land use issues. It proposes a change from a general industrial category to a general business district in an area in which publicly adopted plans envision employment type land uses. Therefore, the petition is considered appropriate for approval.

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

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-47: Northeast Corner of Hargrove Avenue and Rosemont Avenue

Trip generation has not been calculated due to insufficient information. This will not have a significant impact on the surrounding thoroughfare system.

Any proposed driveway connection(s) to Hargrove Avenue or Rosemont Avenue will require that a driveway permit be submittal to the Charlotte Department of Transportation (CDOT) for review and approval. To obtain a building permit all existing driveways will have to be reconstructed to comply with the City Driveway Regulations.

We have no other comments concerning this rezoning petition.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
Dan O. Yates
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

REZONING PETITION NUMBER: 93-47

PETITIONER: DAN G. YATES

LOCATION: NORTHEAST CORNER OF HARGROVE AND ROSEMONT AVENUES

REQUEST: CHANGE FROM I-2 TO B-2

Since 1984, the petitioner has operated a cremation at this location. The entire area in the vicinity of the subject property is now zoned an I-2 heavy industrial classification, and a majority of the property is so used. Somehow, upon the adoption of the new zoning ordinance, effective January 1, 1992, a crematory is no longer a permitted use under the industrial classification, and the B-2 District is the first district in the hierarchy to permit such an operation.

Yates Wilbert Vault Company now needs to expand its business by adding an additional cremation chamber. Under the current zoning regulations, this will not be permitted under the existing I-2 classification.

This is, therefore, a necessary downzoning to accommodate a business expansion which has been in operation for a number of years. To our knowledge, this is the only cremation facility which is currently operating in Mecklenburg County, and it is easily recognized that expansion is necessary in order to adequately meet the requirements of the business. There is no known opposition to this, and since all of the surrounding property will remain zoned I-2, it should have no impact on any additional lands in the vicinity. The Staff Analysis recognizes this and indicates this request is appropriate for approval.

The petitioner urges acceptance of this request and hopes that early approval will give them the opportunity to continue to provide a much needed service to the citizens of Charlotte and Mecklenburg County.

FEB/DF

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-61
Date Filed July 6, 1993
Received By T. Thomas
OFFICE USE ONLY

Ownership Information

Property Owner Dan G Yates / Yates Wilbert Vault Co.

Owner's Address 2839 Rosemont Street Char, N.C 28208

Date Property Acquired April 1969

Tax Parcel Number 117-122-05

Location of Property (address or description) 2839 Rosemont Street Charlotte N.C. 28208

Description of Property

Size (Sq. Ft.-Acres) 13,260 Street Frontage (ft.) 88.4 Front 150.0 Deep (Side Street)

Current Land Use housing our Burial Vault office + Cremation Chamber

Zoning Request

Existing Zoning I-2 Requested Zoning ~~I-2 with a conditional~~ B-2

Purpose of Zoning Change Yates Wilbert Vault has been in the Cremation business since 1984 at 2839 Rosemont St. We are trying to expand our business at 2839 to have 2 Cremation chambers. Already to Exceed as of 1-93 Crematories are not Allowed in I-2 though we have been at 2839 Rosemont since 1984

Fred Bryant, Planner
Name of Agent

1850 East 3RD, St.
Agent's Address

Charlotte, NC 28204
Telephone Number

333-1680

Dan G Yates
Name of Petitioner(s)

P.O. Box 669343 Charlotte N.C.
Address of Petitioner(s)

704-3998453
Telephone Number

Signature

Dan G. Yates
Signature of Property Owner
If Other Than Petitioner

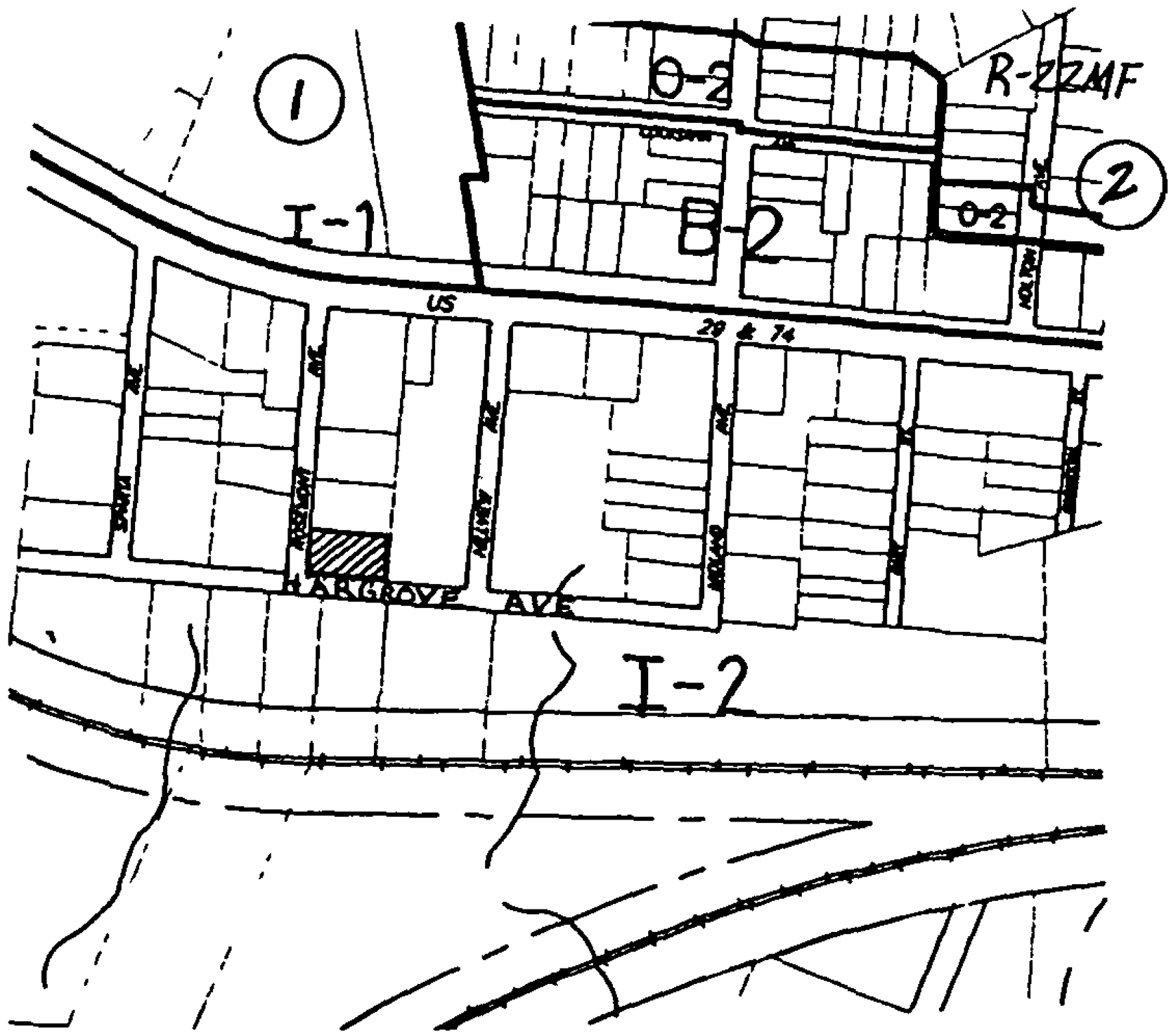
Petition #: 93-47

Petitioner: Dan G. Yates **Hearing Date:** September 20, 1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): B-2

Location: Approximately 13,260 square feet located on the northeast corner of the intersection between Hargrove Avenue and Rosemont Avenue.



Zoning Map #(s): 104 **Scale:** 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-48

Petitioner: Historic Rosedale

Location: An 8.24 acre site located on the northwest corner of North Tryon Street and Hilo Drive.

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

BACKGROUND

1 **Existing Zoning.** The petitioned property is zoned R-4. Adjoining properties on the north side of North Tryon Street are zoned I-1, B-1 and R-22MF. South of North Tryon Street properties are zoned I-1 and R-5.

2 **Existing Land Use.** The subject property is the site of the Historic Rosedale house. An apartment community is located to the north of the site and an office is located to the west. The site to the east of Hilo Drive is vacant. Properties located across North Tryon Street are developed with commercial and office uses.

3 **Public Plans and Policies.**

1. **2005 Plan.** The 2005 Plan indicates existing employment land uses along North Tryon Street in the area of the subject property. A community commercial center is indicated nearby at the intersection of North Tryon Street and Sugar Creek Road. The 2005 strategies include streetscape improvements along North Tryon Street and potential light rail service in the area.

2. **North Tryon Corridor Study (adopted 1987).** The North Tryon Corridor Study recognizes the importance of Rosedale as an historic site and the possibility of its future acquisition for public use.

3. **Central District Plan.** The Central District Plan supports the recommendations of the North Tryon Corridor Study.

4. **Transportation Improvement Program.** The Transportation Improvement Program calls for the U.S.29/North Tryon Street Improvement Study from Dalton Street to Tom Hunter Road. The purpose of this study is to determine the feasibility of improvements to North Tryon Street.

4. **Site Plan.** The site plan which accompanies this petition would permit use of the existing house and grounds for public educational presentation of the house and rental

of the property for private functions. The site plan notes that such functions could include but are not limited to weddings and wedding receptions, small dinner parties, corporate meetings, social functions, birthday parties and special events. No major exterior alterations are permitted to the house and any changes are subject to approval by the Historic Properties Commission. The plan also accommodates a proposed 4,000 square foot multi-purpose building with assembly space, rest rooms, security residence and commercial kitchen. A proposed 125 space parking lot is to be created along the easterly edge of the grounds along Hilo Drive. Access to the site is provided by one driveway connection to Hilo Drive as well as the existing driveway to Tryon Street. The plan provides for right-of-way dedication along Tryon Street and restriction of signage to the name of house and no more than five feet in height. Exterior lighting is prohibited from extending beyond the property line.

5. **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

Petition No.	Request	Action	Date
1. 69-24	I-1 to 0-6	Approved	06/16/69
2. 70-112	I-1 to B-2 and 0-6	Approved	09/28/70
3. 81-75	B-2 and I-1 to R-9	Approved	02/22/82
4. 89-39	R-6MF to B-1(CD)	Denied	06/26/89
5. 90-61	R-6MF to R-6	Approved	09/17/90
6. 90-62	0-6, B-2, & I-1 to R-6MF & B-1	Approved	09/17/90

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

REVIEWS

1 **Plan Consistency.** This petition seeks a change from a residential classification to a conditional commercial classification. Publicly adopted plans generally recognize the existing development on the petitioned site and support additional residential development in the area. The proposed commercial classification could therefore be viewed as inconsistent with public plans for the area. However, the conditional aspects of the petition ensure preservation of the house and grounds while allowing for additional use opportunities. For these reasons, the petition could be considered consistent with the intent of the plans for the area.

2. **Technical Consistency.**

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

2. **Departmental Comments.** Departmental comments included need for right-of-way

dedication on North Tryon Street, a recommendation for sidewalk construction along North Tryon Street and Hilo Drive, restrictions on signage and lighting and clarification on required buffers. The revised site plan addressed all departmental comments with the exception of sidewalk construction. The Historic Landmarks Commission has indicated no concerns regarding the petition.

ISSUES

1 **Land Use.** This petition proposes a change from a residential classification to a conditional commercial classification in an area in which public plans are supportive of residential development. From this standpoint, the petition could raise a land use issue. However, the nature of the associated site plan ensures preservation of the existing Rosedale house and grounds while granting additional use opportunities. The preservation of the historic house and grounds is consistent with public plans. For these reasons, the petition is considered appropriate for approval from a land use standpoint.

2. **Site Plan.** The site plan which accompanies this petition accommodates expanded uses of the existing Historic Rosedale house and permits the construction a multi-purpose room and additional parking. The site plan contains a number of restrictions on such items as exterior lighting and signage that should ensure the property blends in well with the area. All departmental comments have been adequately addressed with the sole exception of a recommendation from the City's Engineering and Transportation Departments to install sidewalk on Hilo Drive and Tryon Street.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 31, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-48: Northwest Corner of N. Tryon Street and Hilo Drive (Revised 8/13/93)

This site could generate approximately 363-396 trips per day as currently zoned. Trip generation for the proposed zoning has not been calculated due to insufficient land use information. This will not have a significant impact on the surrounding thoroughfare system.

There is a funded minor roadway widening project for North Tryon Street that will provide left-turn lanes to Hilo Drive, Guy E. Suddreth Avenue, and Historic Rosedale.

CDOT recommends sidewalk construction along the North Tryon Street and Hilo Drive frontages.

North Tryon Street is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated the dedication of right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

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

The non-standard driveway to North Tryon 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.

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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
J. Franklin Martin
Historic Rosedale Foundation
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-48
Date Filed July 6, 1993
Received By T. Mason

OFFICE USE ONLY

Ownership Information

Property Owner: Historic Rosedale Foundation, Inc.

Owner's Address: P. O. Box 6212, Charlotte, NC 28207

Date Property Acquired: 1987

Tax Parcel Number: 085-031-04

Location of Property (address or description): 3427 North Tryon Street

Description of Property

Size (Sq. Ft.-Acres): 8.24 Acres

Street Frontage (ft.): 610' on N. Tryon St.

Current Land Use: SF Residential

Zoning Request

Existing Zoning: R-4

Requested Zoning: B-2CD

Purpose of Zoning Change: Use by a non-profit foundation to present historic property to the public and to rent the property for private functions.

J. Franklin Martin
Name of Agent

227 W. Trade St., #2370, Charlotte, NC 28202
Agent's Address

332-9340
Telephone Number

Historic Rosedale Foundation
Name of Petitioner(s)

P. O. Box 6212
Address of Petitioner(s)

Charlotte, NC 28207
Telephone Number

335-0325

J. Franklin Martin, Chairman
Signature

Signature of Property Owner
if Other Than Petitioner

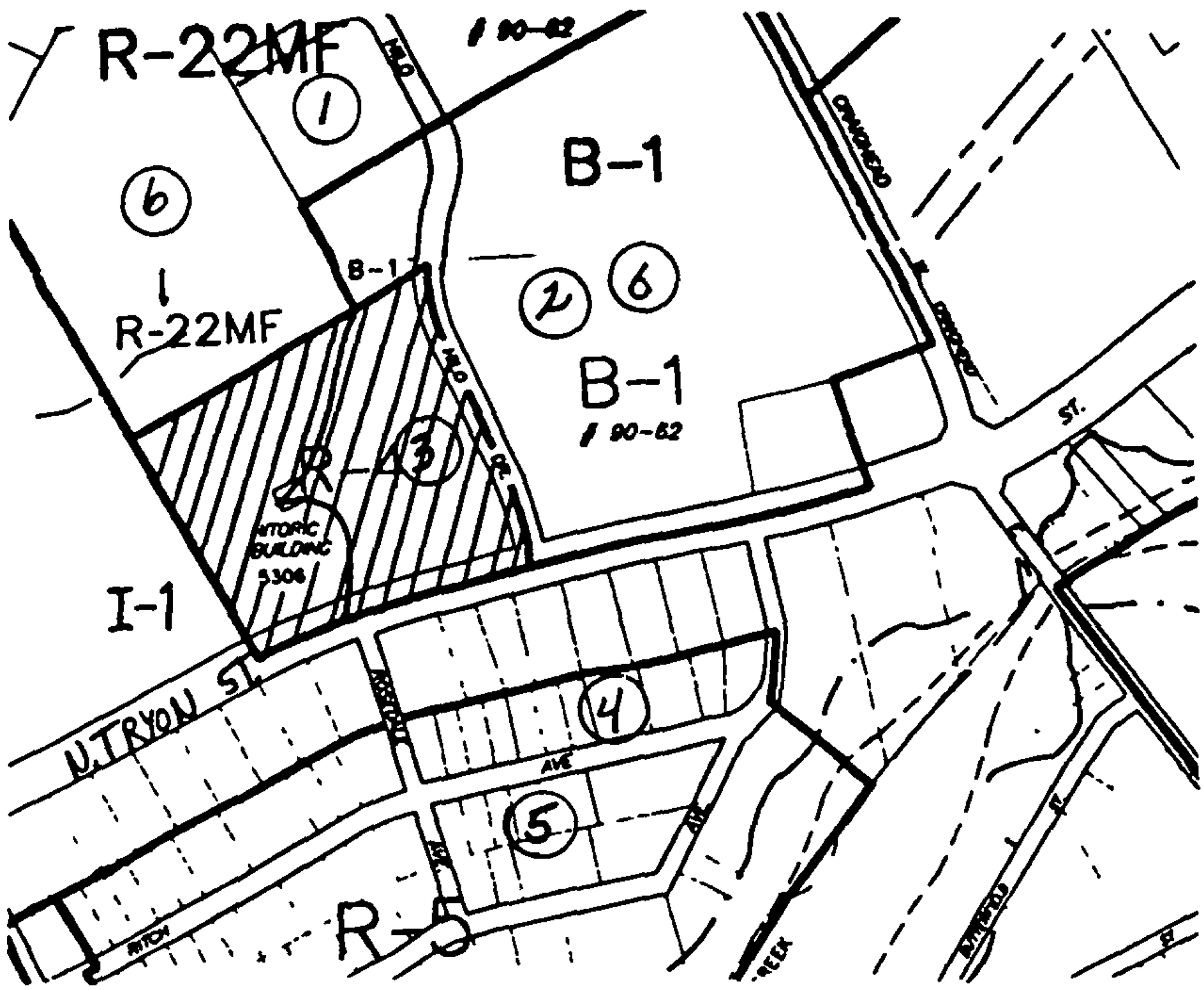
Petition #: 93-48

Petitioner: Historic Rosedale Foundation **Hearing Date:** September 20,1993

Zoning Classification (Existing): R-4

Zoning Classification (Requested): B-2(CD)

Location: Approximately 8.24 acres located at northwest corner of the intersection between N. Tryon Street and Hilo Drive



Zoning Map #(s): 78,89 **Scale:** 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-49

Petitioner: Fairview/Providence Associates Limited Partnership

Location: A 12 54 acre site located on the southwesterly corner of Fairview Road and Providence Road

Request: Change from R-15MF(CD) to R-17MF(CD).

BACKGROUND

1 **Existing Zoning** The subject property is presently zoned R-15MF(CD) as a result of a 1979 rezoning request. Properties located on the other three corners of the intersection of Providence and Fairview Roads are zoned a combination of 0-15(CD), B-1(CD), and R-12MF. Otherwise, nearby properties are predominantly zoned R-3.

2 **Existing Land Use** The petitioned property is the site of McMillan Place Apartments. The Essex Apartments, Strawberry Hill Apartments, Carmel on Providence Apartments and Pinehurst Apartments are also located nearby. Otherwise, the area is predominantly occupied by single family homes

3 **Public Plans and Policies.**

1. **2005 Plan.** The 2005 Plan indicates existing residential land uses in the area of the subject property. The 2005 strategies include the extension of water lines along Providence Road.

2. **South District Plan (adopted 1993 by County Commission, pending in City).** The South District Plan recognizes the existing multi-family zoning of the site and includes a potential transit corridor along Providence Road.

3. **Transportation Improvement Program.** The Transportation Improvement Program includes the Fairview Road widening project. This project calls for the widening of Fairview Road to six lanes from Providence Road to Carmel Road.

4 **Site Plan** This petition seeks to lessen or eliminate the subject property's nonconforming status as a result of the improvement of the intersection of Fairview and Providence Roads. The site plan which accompanies this petition reflects the as-built condition of the property. The existing apartment complex consists of 135 multi-family units, 260 parking spaces and accessory uses such as tennis courts, a pool, and a clubhouse and is essentially

identical to the site plan approved as a result of the 1979 rezoning petition The plan disallows any additional units or accessory uses on the site and notes existing vegetation to remain The plan also notes that a variance may be pursued in order to grant conforming status to the existing parking within the setback along Providence Road.

5 **School Information.**

Schools		Capacity	Enrollment
Elementary:	Lansdowne K-3	704	838
Junior High:	First Ward 4-6	748	589
	McClintock 7-9	960	1,075
Senior High:	East Mecklenburg	1,600	1,641

6 **Zoning History (See Attached Map).**

Petition No.	Request	Action	Date
1. 68-8	R-15MF to B-1	Denied	06/17/68
2. 70-43	R-15MF to B-1SCD	Denied	04/20/70
3. 75-14	R-15 to R-9MF	Denied	06/30/75
4. 75-15	R-15 to R-9MF	Denied	06/30/75
5. 76-14	R-15MF to B-1(CD)	Approved	03/29/76
6. 76-53	R-15MF to 0-15(CD)	Approved	11/22/86
7. 79-23	R-15 to R-15MF(CD)	Approved	12/03/81
8. 83-4	R-15MF(CD) to B-1(CD)	Approved	04/18/83
9. 86-109	R-15MF to R-15	Denied	12/15/86

7. **Neighborhood.** This petition falls within the area defined as the Carmel/Providence neighborhood.

REVIEWS

1. **Plan Consistency.** This petition seeks a change from the existing conditional multi-family residential district to a conditional multi-family district contained in the new zoning ordinance. Plans for the area recognize the existing multi-family residential development. Therefore, the petition is consistent with publicly adopted plans for the area.

2 **Technical Consistency.**

1. **Pre-Hearing Staff Input.** The petitioner's agent discussed the application with staff prior to filing. Subsequent to filing, staff relayed several technical concerns and questions regarding the site plan to the agent.

2. **Departmental Comments** Departmental comments included several questions about the feasibility of rendering the site conforming as to setbacks and buffers and the need for right-of-way measuring 50 feet from the centerline along Providence and Fairview Roads

ISSUES

1 **Land Use** This petition raises no land use issues. It proposes a change from one conditional multi-family residential district to another in order to lessen or eliminate the site's nonconforming status that resulted from a widening of the Providence Road/Fairview Road intersection. From a land use standpoint, the petition raises no issues and is considered appropriate for approval.

2 **Site Plan.** The site plan which accompanies this petition essentially reflects the as-built condition of the property and provides for the ability to seek variances from the Board of Adjustment in order to obtain conforming zoning status. The plan disallows any expansion and ensures preservation of existing vegetation. Therefore, from a site plan standpoint, the petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 31, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-49: Southwest Corner of Providence Road and Fairview Road (Revised 8/17/93)

This site could generate approximately 135 trips per day as currently zoned. Under the proposed zoning the site could generate approximately the same number of trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

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

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

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

Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
David H. Jones, Esq.
Fairview/Providence Associates Ltd.
Rezoning File

CITY OF CHARLOTTE

Petition No 1071

Date Filed July 6, 1993

Received By T. Mares

OFFICE USE ONLY

Ownership Information

Property Owner Fairview/Providence Associates Ltd. Limited Partnership

Owner's Address 212 S. Tryon Street, Suite 800, Charlotte, North Carolina 28281

Date Property Acquired August 1, 1983

Tax Parcel Number 187-061-037

Location of Property (address or description)

Southwest corner of the intersection between Providence Road and Fairview Road

Description of Property

Size (Sq. Ft.-Acres) 12.54 acres

Street Frontage (ft.) Providence Road 850' Fairview Road 540'

Current Land Use Multi Family Residential

Zoning Request

Existing Zoning R15MF(CD)

Requested Zoning R22MF(CD)

Purpose of Zoning Change To put the property back into compliance with zoning ordinance after the widening of Providence Road

David H. Jones, Esq.
Name of Agent

100 N. Tryon St., Suite 4200, Charlotte, NC 28202
Agent's Address

(704) 331-7481
Telephone Number

Fairview/Providence Associates Ltd Limited Partnership
Name of Petitioner(s)

212 S. Tryon St., Suit 800 Charlotte, NC 28281
Address of Petitioner(s)

(704) 334-9735
Telephone Number

By: [signature]
Signature General Partner

Signature of Property Owner if Other Than Petitioner

Petition #: 93-49

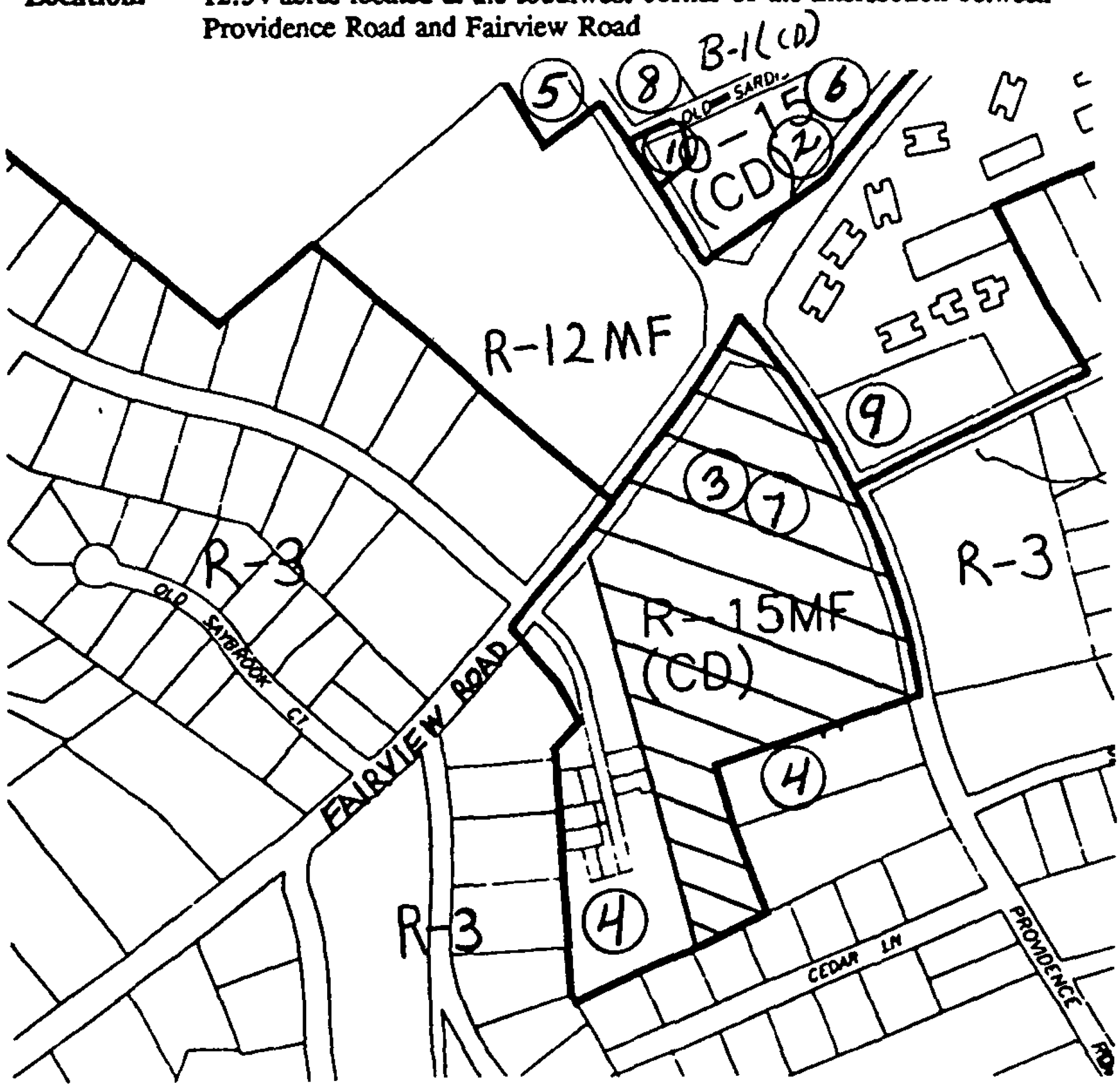
Petitioner: Fairview/Providence Associates Ltd. Limited Partnership

Hearing Date: September 20,1993

Zoning Classification (Existing): R-15MF (CD)

Zoning Classification (Requested): R-22MF (CD)

Location: 12.54 acres located at the southwest corner of the intersection between Providence Road and Fairview Road



Zoning Map #(s): 136

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-50

Petitioner: Toney Fitzgerald

Location: A 10.66 acre site located on the south side of the I-85 Service Road east of Stanta Road.

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

BACKGROUND

1 **Existing Zoning.** The petitioned property is zoned I-2 as are other properties located to the south of I-85 North of I-85 properties are zoned a combination of I-1, I-2(CD) and I-2.

2 **Existing Land Use.** The petitioned property is developed with a truck dealership. Nearby properties along I-85 are occupied by a variety of office, commercial and industrial uses Several nearby tracts remain undeveloped.

3 **Public Plans and Policies.**

1 **2005 Plan.** The 2005 Plan indicates existing employment land uses in the area of the subject property. The 2005 strategies include improvements to I-85 and expansion of the Greenway System.

2. **Central District Plan (adopted 1992).** The Central District Plan recommends employment type land uses in the area of the subject property.

3. **Transportation Improvement Program.** The Transportation Improvement Program includes widening I-85 from Gaston County to U.S. 29 to eight lanes. The portion of this project in the area of the subject property has been completed.

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

5 **School Information.** Not applicable.

6 **Zoning History (See Attached Map)**

	Petition No	Request	Action	Date
1	66-95	R-9MF to I-1	Approved	04/25/66
2	75-10	R-9 & I-1 to I-1 & I-2	Approved	08/25/75
3	90-11	R-9, B-D, I-1, & I-2 to I-2(CD)	Approved	07/16/90
4	93-34	I-2(CD) Site Plan Amendment	Approved	07/19/93

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

REVIEWS

1 **Plan Consistency.** This petition proposes rezoning from the general industrial district to the light industrial district. Publicly adopted plans for the area envision continued employment land uses Therefore, the petition is consistent with publicly adopted plans for the area.

2 **Technical Consistency**

1 **Pre-Hearing Staff Input** The petitioner discussed the application with the staff prior to its submittal.

2 **Departmental Comments** There were relatively few departmental comments due to the conventional nature of the petition See attached CDOT comments

ISSUES

1 **Land Use.** This petition raises no land use issues. It seeks a change from the general industrial district to the light industrial district in an area recognized as one of employment type land uses. Therefore, the petition is considered appropriate for approval from a land use standpoint.

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

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-50: Southeast Corner of Starita Road and I-85 Service Road

Trip generation for both the existing and proposed zoning classifications have not been calculated due to insufficient land use information. This will not have a significant impact on the surrounding thoroughfare system.

I-85 is a freeway 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/proposed entrance(s). Two 35'x35'/and two 10'x70' sight triangles are required for the entrance(s) to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrance(s). Such items should be identified on the site plan. Any proposed driveway connection(s) to North I-85 Service Road and Starita Road will require driveway permit(s) 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.

If the existing abandoned driveway to Starita Road is not planned to be opened, it must be removed and closed with standard curb and gutter.

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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Toney Fitzgerald
Rezoning File

CITY OF CHARLOTTE

Petition No. 93-30
Date Filed July 6, 1993
Received By T. Mares

OFFICE USE ONLY

Ownership Information

Property Owner: J. Frank Adams

Owner's Address: 5149 Morrowick Rd., Charlotte, NC 28226

Date Property Acquired: December 31, 1985

Tax Parcel Number: 07715101

Location of Property (address or description)

3500 North I85

Description of Property

Size (Sq. Ft.-Acres): 10.66 AC

Street Frontage (ft.): 798.48

Current Land Use: Truck Dealership

Zoning Request

Existing Zoning: I-2

Requested Zoning: I-1

Purpose of Zoning Change: For additions and rennovations for a truck dealership

Toney Fitzgerald
Name of Agent

4600 I85 North, Charlotte, NC 28206
Agent's Address

(704) 597-8600
Telephone Number

Toney Fitzgerald
Name of Petitioner(s)

4600 I85 North, Charlotte, NC 28206
Address of Petitioner(s)

(704) 597-8600
Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

Petition #: 93-50

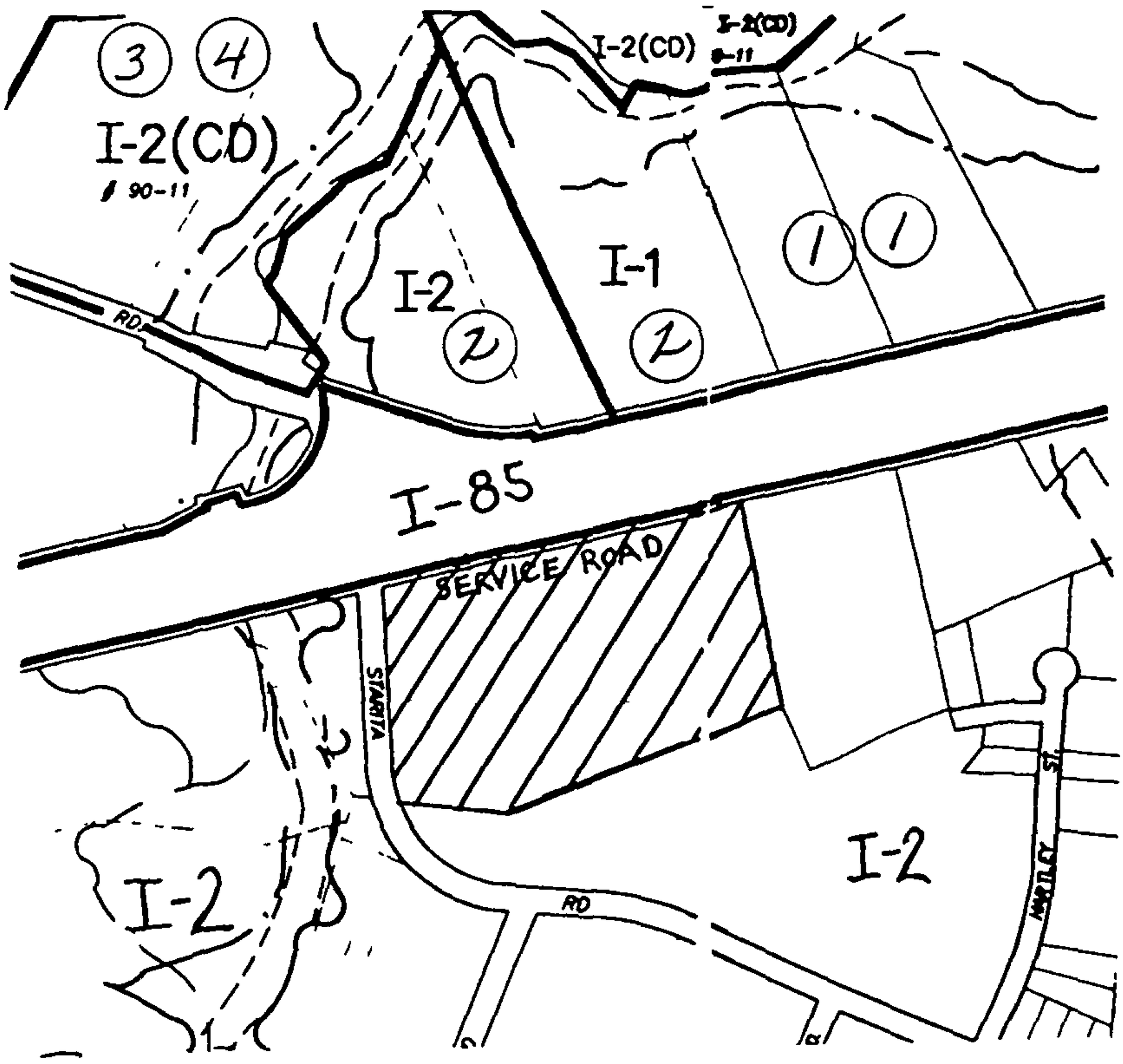
Petitioner: Toney Fitzgerald

Hearing Date: September 20,1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): I-1

Location: 10.66 acres located at the southeast corner of the intersection of Starita Road and I-85 Service Road



Zoning Map #(s): 78,79

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-51

Petitioner: Samuel M Youngblood, III

Location: A 4,280 square foot parcel bounded by Neal Drive, McGill Street and Heathway Drive

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

BACKGROUND

1 **Existing Zoning.** The petitioned property is zoned R-12MF(CD) as a result of a 1990 rezoning petition. Nearby properties located to the east, north and south are zoned R-3. Further south and southwest are areas zoned B-D and I-1 Properties located to the west along North Tryon Street are zoned B-2

2 **Existing Land Use.** The subject property is presently undeveloped Nearby properties located along Neal Drive and Owen Boulevard are devoted to single family residential homes. To the west along North Tryon Street properties are developed with commercial uses A water tower and developing business park are located to the south

3 **Public Plans and Policies**

1. **2005 Plan.** The 2005 Plan recognizes the area of the subject property as one of transition from existing employment land uses located along the North Tryon Corridor to the existing residential land uses located to the east of North Tryon Street. The 2005 strategies include streetscape improvements along North Tryon Street and potential light rail service to the area.

2. **Northeast District Plan (adopted 1990).** The Northeast District Plan recommends single family residential densities of up to four dwelling units per acre in this area.

3. **Transportation Improvement Program.** The Transportation Improvement Program does not recommend any improvements for this area.

4 **Site Plan.** There is no site plan which accompanies this petition. The site plan presently in effect allows a 5,040 square foot day care facility for up to 88 children. Access to the facility is off of Heathway Drive

5 **School Information** Not applicable

6 **Zoning History (See Attached Map).**

Petition No.	Request	Action	Date
1. 76-13(c)	R-12 to I-2	Approved	12/06/76
2 79-12	I-2 to B-D, I-1, R-MH, & R-12	Denied	05/18/81
3. 89-75	B-2 & R-12 to B-D(CD)	Approved	10/18/89
4. 90-38	R-12 to R-12MF(CD)	Approved	06/18/90
5 93-22	R-3 to R-MH	Denied	06/21/93

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

REVIEWS

1. **Plan Consistency.** This petition proposes a change from a conditional multi-family residential category to the distributive business district in an area generally recognized as one of residential development. Therefore, the petition is not considered consistent with adopted plans for the area.

2. **Technical Consistency.**

   1 **Pre-Hearing Staff Input** The petitioner's agent discussed this application with staff prior to its submittal and staff discouraged the submission of the petition.

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

ISSUES

1 **Land Use.** This petition raises a land use issue in that it seeks a change from a conditional multi-family residential district to a conventional distributive business district in an area in which publicly adopted plans recommend continued residential development. While the requested commercial category could be considered appropriate for approval on properties more closely associated with the North Tryon corridor, it is not considered appropriate for the petitioned property. The area of the subject property is very much a part of the established neighborhood and should be developed in a compatible manner. The one somewhat similar rezoning request in the general area (Petition No. 89-75) was a 6 5 acre site along Gloryland Avenue to the north. The accompanying conditional site plan stipulated that the development would access directly to North Tryon Street and the site was adequately buffered from the nearby residential properties. This is not the case with the petitioned property. Therefore, the petition is not considered appropriate for approval from a land use standpoint.

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

CONCLUSION

This petition is not considered appropriate for approval

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-51: Southeast Corner of Neal Drive and McGill Street

This site could generate approximately 84-108 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 40 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

Any proposed driveway connection(s) to Heathway Drive or Neal Drive will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) 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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Samuel M. Youngblood, III
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-51
Date Filed July 6, 1993
Received By T. Thomas

OFFICE USE ONLY

Ownership Information

Property Owner Samuel M. Youngblood III

Owner's Address 11535 Getaway Ln Charlotte, NC 28215

Date Property Acquired 5/89

Tax Parcel Number 049-052-09 + 10

Location of Property (address or description) 210 Neal Dr Charlotte

Description of Property

Size (Sq. Ft.-Acres) 4,280 Street Frontage (ft.) 202.06

Current Land Use no use of land

Zoning Request

Existing Zoning R-12 MF(CD) Requested Zoning B-D

Purpose of Zoning Change Building storage facilities for business mini warehouses

Name of Agent

Agent's Address

Telephone Number

Samuel M Youngblood III
Name of Petitioner(s)

11535 Getaway Ln
Address of Petitioner(s)

704 568-4562
Telephone Number

Samuel M Youngblood III
Signature

Signature of Property Owner
if Other Than Petitioner

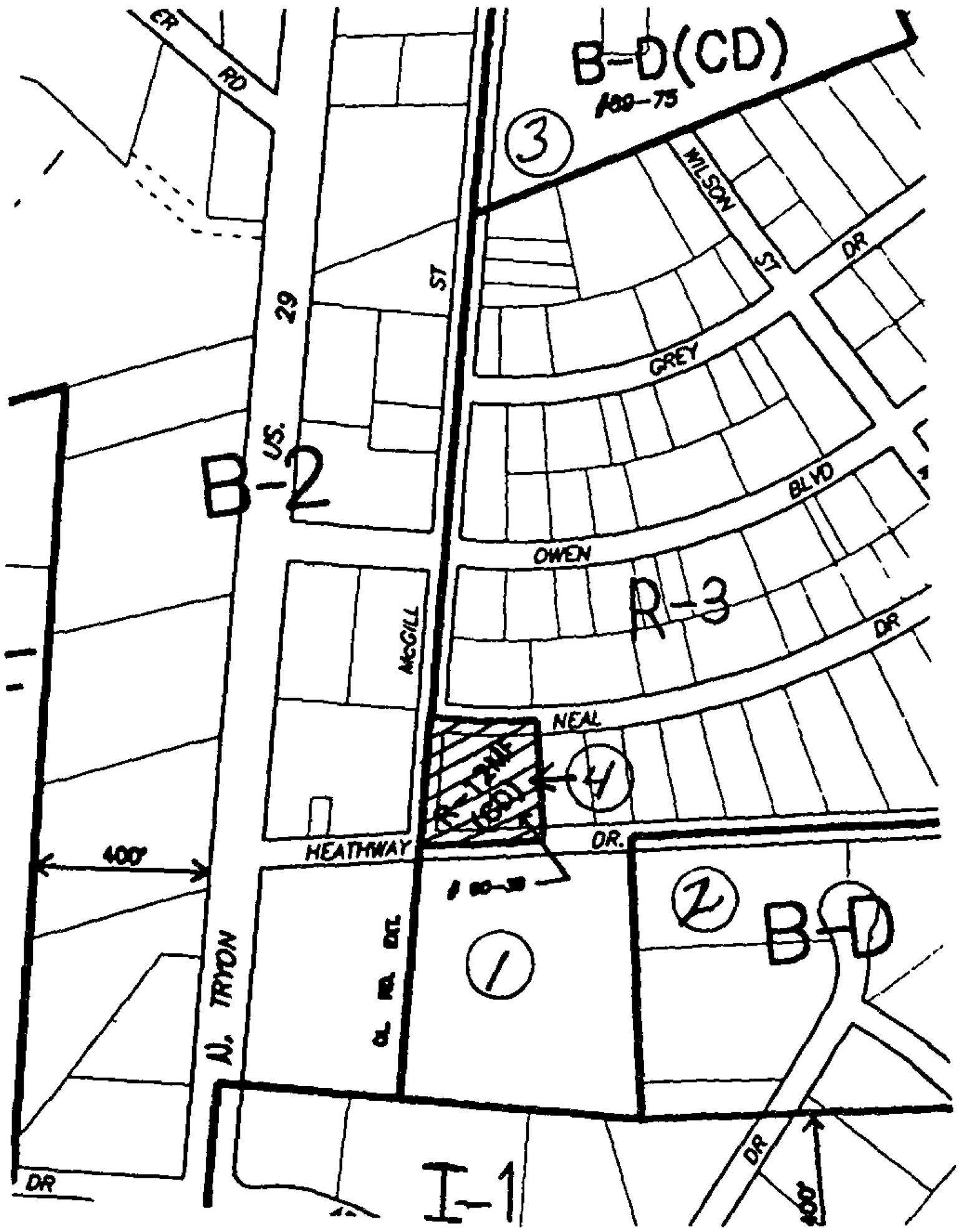
Petition #: 93-51

Petitioner: Samuel M. Youngblood III **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-12MF/(CD)

Zoning Classification (Requested): B-D

Location: Approximately 4,280 square feet located on the southeast corner of the intersection of Neal Drive and McGill Street.



Zoning Map #(s): 77

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-52

Petitioner: Alan & Terry Beaty

Location: Approximately 5 27 acres located on the northeasterly side of Brookshire Boulevard east of Caldwell Williams Road

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

BACKGROUND

1 **Existing Zoning** The subject property is zoned I-1 as are nearby properties located north of Brookshire Boulevard. Further to the north properties are zoned R-4. South of N C. 16 properties are zoned I-2. A nearby I-2 tract is the site of a special use permit for a demolition landfill.

2 **Existing Land Use** The petitioned property is developed with an automobile salvage yard and towing service. Nearby properties are used for industrial, utility and commercial purposes. Many nearby tracts remain undeveloped Properties to the north of the petitioned site are devoted to scattered residential development.

3 **Public Plans and Policies.**

1. **2005 Plan.** The 2005 Plan indicates developing residential land uses in the area of the subject property. The 2005 strategies include streetscape improvements along Brookshire Boulevard, construction of new Highway 16, extension of Lakeview Road, expansion of water service in the area and potential light rail service in the area.

2. **Northwest District Plan (adopted 1990).** The Northwest District Plan recognizes the existing zoning and land uses in the area. The plan recommends expansion of sewer service in the area, extension of Lakeview Road, and a neighborhood commercial center at Highway 16 and Belhaven Boulevard.

3. **Mt. Holly Road Special Project Plan (pending).** The Mt. Holly Road plan recommends light industrial land uses on the north side of Brookshire Boulevard in the area of the subject property.

4 **Transportation Improvement Program.** The Transportation Improvement Program includes the Northwest Circumferential Road The project provides for

the Northwest Circumferential from I-85 at the airport to I-77 at Reames Road/Harris Boulevard

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

5 **School Information** Not applicable

6 **Zoning History (See Attached Map).**

	Petition No.	Request	Action	Date
1	73-63(c)	R-9 to I-1	Approved	01/07/74
2.	87-3(c)	I-1 to I-2(CD)	Denied	02/16/87
3	SUP 91-5(c)	I-2 w/SUP for landfill	Approved	05/18/92

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

REVIEWS

1 **Plan Consistency.** This petition proposes rezoning from the light industrial category to the general industrial category. Publicly adopted and pending plans and policies generally recognize the area of the subject property as one appropriate for the light industrial, rather than the general industrial, category. Those plans and policies have long recognized Brookshire Boulevard as providing an appropriate natural separation between light industrial zoning to the north and general industrial zoning to the south. Therefore, the petition is not consistent with plans for the area.

2 **Technical Consistency.**

1. **Pre-Hearing Staff Input.** The petitioner's agent discussed the application with staff prior to its submittal. Staff noted the plan's inconsistency with public policies for the area.

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

ISSUES

1 **Land Use.** This petition proposes a change from the light industrial district to the general industrial district in order to accommodate the existing use which is in violation of the zoning ordinance. Publicly adopted and pending plans call for preservation of the existing zoning pattern which establishes Brookshire Boulevard as a separator between light industrial zoning to the north and general industrial zoning to the south. A request seeking an I-2(CD) category for the subject property was previously denied by the

County Commission in 1987. There have been no changes in the area that would warrant favorable consideration now. Therefore, this petition is not considered appropriate for approval from a land use standpoint

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

CONCLUSION

This petition is not considered appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 2, 1993

TO: Laura Simmon
Planning Commission

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

SUBJECT: Rezoning Petition 93-52: Brookshire Boulevard East of Caldwell Williams Road

Trip generation for both existing and proposed zoning have not been calculated due to insufficient land use information.

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

Any proposed driveway connection(s) to Brookshire Boulevard will require driveway permit(s) 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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
H. Edward Knox
Alan & Terry Beaty
Rezoning File

PETITIONER'S RESPONSE TO PRE-HEARING STAFF ANALYSIS

CITY REZONING PETITION #93-52

Petitioners: Alan and Terry Beaty

Location: Approximately 5.27 acres located on the northeasterly side of Brookshire Boulevard, east of Caldwell Williams Road

Request: Change from I-1 to I-2

The Petition was filed pursuant to the Mecklenburg County Zoning Ordinance as a conventional rezoning application on March 12, 1993. It was scheduled for a hearing before the County Commissioners prior to the annexation of the property but due to scheduling conflicts was not heard. After annexation, the Petition was transferred to the City. The Petition attached to the Staff Analysis has been redacted, apparently by the Staff, to make it appear as though the rezoning Petition was filed with the City on July 6, 1993. This, however, is not accurate. Furthermore, two (2) site plans showing the existing and proposed use of the property were submitted with the County application but the site plans were rejected by the Planning Commission due to the inability of the Petitioner to pay the additional $1,195.00 processing fee required for a "conditional" rezoning.

BACKGROUND:

1. Existing zoning and land use

   Petitioner agrees with staff's description of the existing zoning in this area. Nearby properties are used for trucking terminals, a landfill, heavy equipment construction company, and immediately adjacent to the subject property is a large Duke Power substation. A large portion of land along both sides of Brookshire Boulevard/Highway 16 is undeveloped. Scattered residential development appears not on Brookshire Boulevard/Highway 16 but approximately ½ mile north of the subject property on a completely different road.

   The Petitioner has maintained the current use on the subject property since 1986. The property is fenced completely and to some degree screened from view by the fence.

2. Public plan and policies

   The Staff indicates that the 2005 Plan includes, among other things, streetscape improvements along Brookshire Boulevard and construction of new Highway 16. The portion of Brookshire Boulevard/Highway 16 that fronts the Petitioner's property has already been improved and is currently a four-lane divided highway. Construction of new Highway 16 should be irrelevant to Petitioner's

property. The Staff asserts that Brookshire Boulevard provides "an appropriate natural separation" between I-1 and I-2 zoning on the two sides of the road, but an observation of the development in that area reveals that all of the development is either industrial or commercial, without multi-family or residential at this point. Due to its proximity to the interstate highways and railway spurs, this entire area is likely to develop in an industrial fashion. Because the existing use has been on that property since 1986, there would be no changes in traffic patterns, etc., due to rezoning.

ISSUES

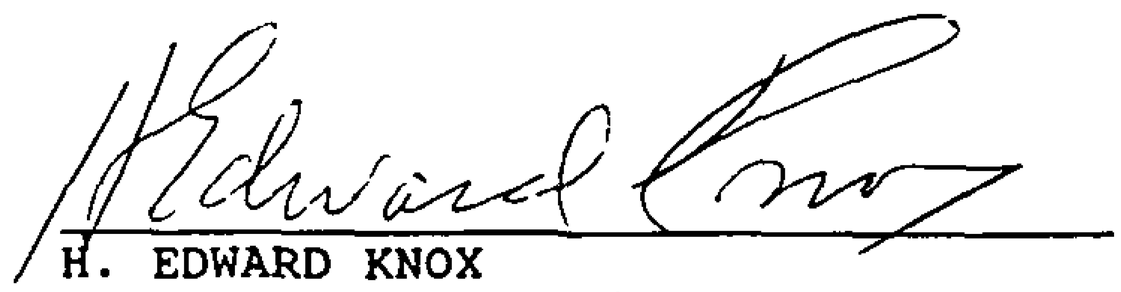
Again, the Staff asserts that Brookshire Boulevard is a "separator" between I-1 zoning to the north and I-2 zoning to the south. As a practical matter, for the proposed use, approval of this Petition will have no effect on the separator principle. The Petitioner's use would clearly be allowed under present zoning ordinances on the other side of Brookshire Boulevard, but unfortunately the Petitioner owns no land on that side. Any opposition from the public that the Petitioner's use is unattractive would be somewhat frivolous, because the entire other side of Brookshire Boulevard could be subjected to the same use under current zoning ordinances. A site view of the subject property, the utilities and adjacent property operations clearly shows this property to be used at its best use if not the only use.

CONCLUSION

Denial of this Petition would work great hardship on the Petitioner, as the Petitioner would have to purchase land at another location and relocate his business. In effect, denial of the Petition will put the Petitioner out of a business that he has operated for many years and that currently supports his family and other employees.

Approval of the Petition, on the other hand, will not change the existing pattern of development in this area, but will merely convert Petitioner's non-conforming use to a conforming use.

The Petitioner respectfully requests that the Council vote to approve this rezoning Petition.



H. EDWARD KNOX
Attorney for Petitioner
KNOX, KNOX, FREEMAN & BROTHERTON
Post Office Box 30848
Charlotte, North Carolina 28230-0848
Telephone: (704) 372-1360

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-52
Date Filed July 6, 1993
Received By T. Mones

OFFICE USE ONLY

Ownership Information

Property Owner: James Alan Beaty and wife, Terry Beaty

Owner's Address: 6410 Brookshire Boulevard, Charlotte, North Carolina 28216

Date Property Acquired: January 6, 1992 and May 2, 1986

Tax Parcel Number: 035-121-28 and 035-121-14

Location of Property (address or description) 6410 Brookshire Boulevard

See deeds recorded at Book 6735, Page 80; Book 5237, Page 230

Description of Property

Size (Sq. Ft.-Acres): app. 5.268 acres Street Frontage (ft.): app. 265 feet

Current Land Use: Auto storage incident to towing service, and salvage operation

Zoning Request

Existing Zoning: I-1 Requested Zoning: I-2 (~~Conditional~~) per 89-1103(7)

Purpose of Zoning Change: To allow existing use to continue.

H. Edward Knox
Name of Agent

Knox, Knox, Freeman & Brotherton
Agent's Address

Post Office Box 30848, Charlotte, NC 28230
Telephone Number (704) 372-1360

Alan & Terry Beaty
Name of Petitioner(s)

6410 Brookshire Boulevard
Address of Petitioner(s)

Charlotte, NC 28216
Telephone Number (704) 394-9262

x Alan Beaty
x Terry M. Beaty
Signature

Signature of Property Owner
If Other Than Petitioner

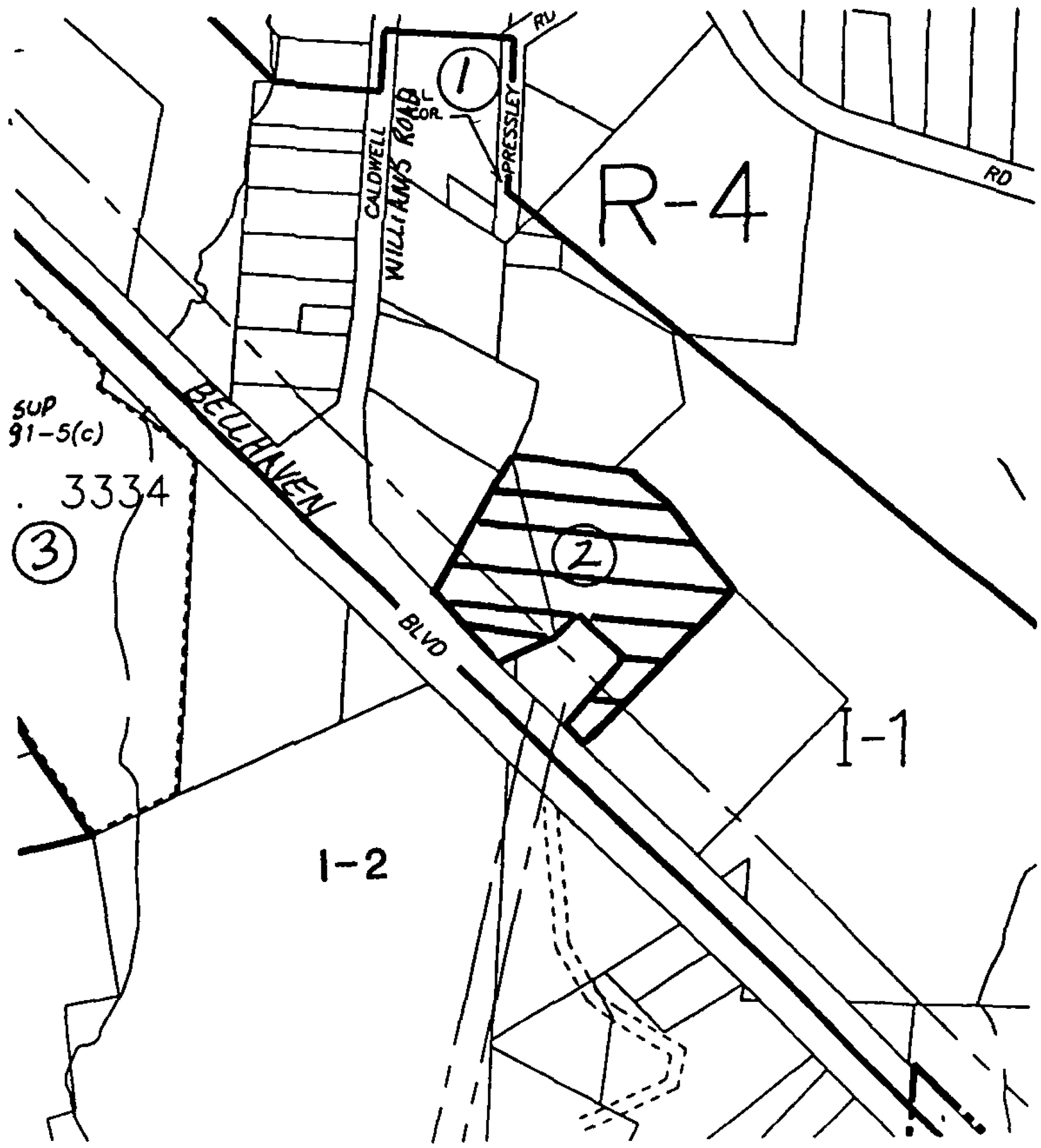
Petition #: 93-52

Petitioner: Alan & Terry Beaty **Hearing Date:** September 20, 1993

Zoning Classification (Existing): I-1

Zoning Classification (Requested): I-2

Location: Approximately 5.27 acres located on the northeasterly side of Brookshire Boulevard (NC Hwy. 16) east of Caldwell Williams Road.



Zoning Map #(s): 67 **Scale:** 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-53

Petitioner: McDonald's Cafeteria, Inc

Location: Approximately 2 5 acres located off the east side of Beatties Ford Road between "A" and Wilson Avenues and approximately 1 27 acres located on the north side of I-85 at the end of Spring Street

Request: Change from R-4 and R-5 to B-2

BACKGROUND

1 **Existing Zoning** The petitioned properties are zoned R-4 (along Wilson Avenue) and R-5 (south of I-85) Nearby properties in the "ABC" area are also zoned R-4. Properties located along Beatties Ford Road are zoned a combination of I-2(CD), B-2(CD), B-2, B-1, B-1(CD), 0-2, and R-17MF. Nearby properties located in the Dalebrook neighborhood are zoned R-5

2 **Existing Land Use** The subject property is presently undeveloped. Surrounding properties are primarily devoted to single family residential homes with several vacant tracts remaining. Properties located along Beatties Ford Road and south of Wilson Avenue are developed for commercial, office, institutional and residential uses.

3 **Public Plans and Policies.**

1. **2005 Plan.** The 2005 Plan indicates developing employment land uses for the portion of the subject property located north of I-85. The 2005 Plan indicates existing residential uses in the area south of I-85. The 2005 strategies include streetscape improvements along Beatties Ford Road, the I-85 and Beatties Ford Road widening projects and expansion of water and sewer service in the area.

2. **Beatties Ford Road Small Area Plan (adopted 1985).** The portion of this petition located north of I-85 is outside the boundaries of the Beatties Ford Road plan. The plan recommends residential land uses or a potential park for the portion of the petition located south of I-85.

3. **ABC Special Project Plan (adopted 1987)** The ABC plan recommends rezoning of property located on Wilson Lane directly across from the subject property from B-1 to R-4. Transportation improvements include the widening of Beatties Ford Road and the

realignment of "A" Avenue and Hoskins Road, both of which have been completed.

4 **Central District Plan (adopted 1992).** The Central District supports the recommendations of the Beatties Ford Road Small Area Plan for residential land uses or a park for the portion of the petition located south of I-85.

5. **Northwest District Plan (adopted 1990).** The Northwest District Plan recommend supports the recommendations of the ABC Special Project Plan which recognizes the residential zoning of the portion of the petition between Wilson and "A" Avenue.

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

5 **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

Petition No.		Request	Action	Date
1.	65-82	R-9 & B-2 to R-6MF	Approved	10/04/65
2	65-90	B-1 to B-2	Denied	11/08/65
3	66-10	R-9MF, R-6MF & 0-15 to R-6MF, 0-6 & B-1	Approved	02/21/66
4.	68-59	0-6 to B-1	Denied	09/09/68
5.	76-12(c)	0-15 to B-2	Denied	07/19/76
6.	76-36(c)	I-2 to R-9	Denied	07/19/76
7.	80-24(c)	R-9 to I-2(CD)	Approved	10/20/80
8.	80-60	B-1SCD to B-1(CD)	Approved	02/02/81
9	83-8(c)	B-1 to B-2	Approved	05/16/83
10.	83-33(c)	B-1 to B-2(CD)	Approved	02/20/84
11.	84-51(c)	B-1 to B-2	Approved	02/17/85
12.	86-106	B-1 & R-6 to B-1(CD)	Approved	12/15/86
13	86-114	B-1 to R-6	Approved	02/23/87
14.	87-2	B-1 & 0-6 to R-17MF	Approved	03/16/87
15	87-17	R-6MF & B-1(CD) to 0-6	Approved	04/22/87
16.	87-18	B-1(CD) to R-12MF	Approved	04/22/87
17.	90-7	0-6 to R-9MF	AIP	02/19/90
18.	90-8	0-6 to R-9	AIP	02/19/90
19	91-71	B-1 to B-2	Approved	11/18/91

7. **Neighborhood.** This petition falls within the areas defined as Northwood and Lincoln Heights.

REVIEWS

1 **Plan Consistency** This petition proposes rezoning from a single family residential category to the general business district in established residential areas Publicly adopted plans recognize the petitioned properties as suitable for continued residential growth. Therefore, the petition is not consistent with plans for the area

2 **Technical Consistency.**

1 **Pre-Hearing Staff Input.** Staff discussed this petition with the agent prior to filing and discouraged its submittal.

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

ISSUES

1 **Land Use.** This petition raises a significant land use issue It seeks a change from a single family residential district to the general business district in areas devoted to existing residential development Approval of commercial zoning for the petitioned properties will likely eliminate or diminish the potential for continued residential development on nearby properties. Therefore, the petition is strongly recommended for denial.

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

CONCLUSION

This petition is strongly recommended for denial.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 3, 1993

TO: Laura Simmon
Planning Commission

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

SUBJECT: Rezoning Petition 93-53: Spring Street and Between "A" Avenue East and Wilson Avenue

This site could generate approximately 165-180 trips per day as currently zoned. Trip generation for the proposed zoning has not been calculated due to insufficient specific proposed land use information. This will not have a significant impact on the surrounding thoroughfare system.

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

Any proposed driveway connection(s) to "A" Avenue, Wilson Avenue, and Spring Street will require driveway permit(s) to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The location of 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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
John Jennings
McDonalds Cafeteria, Inc.
Rezoning File

CITY OF CHARLOTTE

Petition No. _____

Date Filed July 6, 1993

Received By T. Ross

OFFICE USE ONLY

Ownership Information

Property Owner: McDONALD'S CAFETERIA INC + JOHN W. + Eunice McDonald

Owner's Address: 2812 BEATTIES FORD ROAD CHARLOTTE NC 28216

Date Property Acquired: JANUARY 18th 1984

Tax Parcel Number: 077-011-11 + 041-012-34

Location of Property (address or description): Between Avenue "A" East and Wilson Avenue And at the end of spring Street

Description of Property

Size (Sq. Ft.-Acres): 1.27 Acres + 2 1/2 Acres Street Frontage (ft.): 289.75 + 350'

Current Land Use: LOT + Residential

Zoning Request

Existing Zoning: R-4 Requested Zoning: B-2

Purpose of Zoning Change: DEVELOPMENT + EXPANSION

JOHN JENNINGS
Name of Agent

2812 BEATTIES FORD ROAD CHARLOTTE, NC 28216
Agent's Address

(704) 393-8823 / 393-8110
Telephone Number

McDONALD'S CAFETERIA INC
Name of Petitioner(s)

2812 BEATTIES FORD ROAD
Address of Petitioner(s)

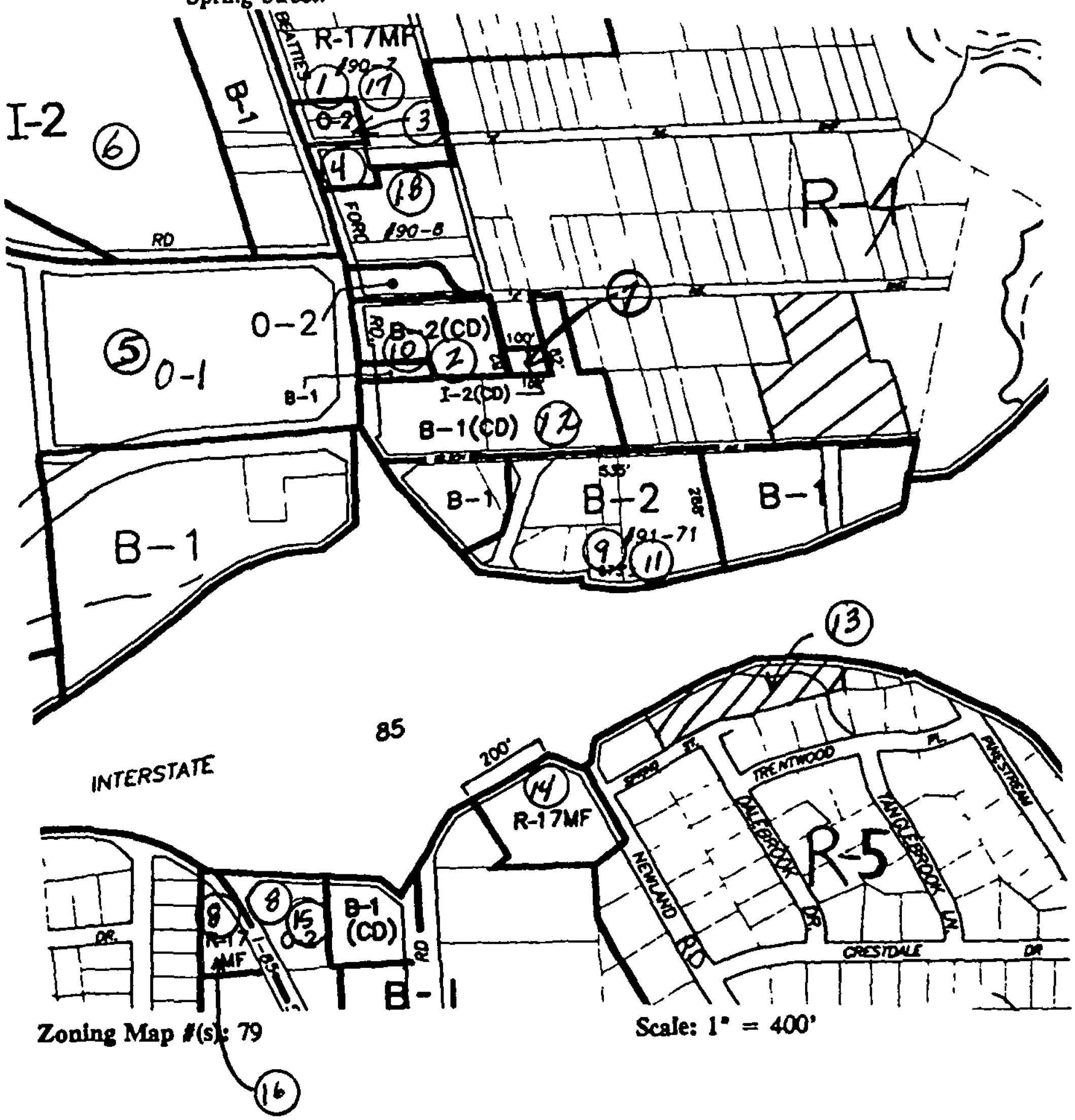
CHARLOTTE, NC 28216
Telephone Number

(704) 393-8823 / 393-8110

X John W. McDonald
Signature

John W. McDonald
Signature of Property Owner
If Other Than Petitioner

Petition #: 93-53
Petitioner: McDonald's Cafeteria Inc. and John W. & Eunice McDonald
Hearing Date: September 20, 1993
Zoning Classification (Existing): R-4
Zoning Classification (Requested): B-2
Location: Approximately 2.5 acres located between "A" Avenue East and Wilson Avenue and approximately 1.27 acres located on the north side at the end of Spring Street.



Zoning Map #(s): 79

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-54

Petitioner: Fletcher G Keith

Location: Approximately 4.92 acres located on the northwesterly corner of U. S. Highway 29 and Carley Boulevard.

Request: Change from B-1SCD to B-1(CD).

BACKGROUND

1. **Existing Zoning** The petitioned property is zoned B-1SCD and is included as part of the overall master plan for University Place which dates back to a 1982 County rezoning petition. Adjoining properties to the west and south are also zoned B-1SCD. The site to the north was recently rezoned to the CC category as a result of a 1992 rezoning petition. Properties on the east side of U.S. 29 are zoned for institutional purposes.

2. **Existing Land Use.** The subject property is presently undeveloped. A Montessori school is located just to the west. A number of apartment complexes, offices and commercial facilities are located nearby along Carley Boulevard, J. M. Keynes Drive and Olmstead Drive. Properties located along the east side of U.S. 29 across from the site are vacant.

3. **Public Plans and Policies.**

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

    2. **Northeast District Plan (adopted 1990).** The Northeast District Plan recognizes University Place as the regional mixed use center for the area. This center would accommodate a significant amount of retail and office development.

3 **Transportation Improvement Program.** The TIP includes the widening of Mallard Creek Church Road and the construction of the northeast segment of the outerbelt

4 **Site Plan**

1. Existing Site Plan. The existing site plan presently in effect for the petitioned property allows approximately 35,000 square feet of commercial and retail uses. The site plan includes a booklet of design guidelines and requires detailed site plan approval by a Design Review Board. Access to the property is to be provided by way of Olmstead Drive and is not permitted along Highway 29 or Carley Boulevard

2. Proposed Site Plan. The site plan which accompanies this petition proposes a 35,000 square foot commercial development with access to both Highway 29 and Carley Boulevard. The proposed site plan carries forward the existing plan's commitments for a 40 foot buffer along Carley Boulevard with a 12 foot pedestrian path and a 50 foot buffer along Highway 29. The proposed plan states that architectural controls shall be developed in compliance with University Place Guidelines but does not commit to all of the standards contained in the design guidelines and submission of plans to the Design Review Board.

5 **School Information.** Not applicable.

6. **Zoning History (See Attached Map).**

Petition No.	Request	Action	Date
1. 70-2	R-12, B-2, RE to Inst.	Approved	05/18/70
2. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
3. 84-38(c)	Inst. to B-1SCD	Approved	11/05/84
4. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/01/86

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

REVIEWS

1 **Plan Consistency.** This petition seeks a change from one conditional commercial category to another. From this standpoint, it raises no particular plan consistency issue. However, the purpose of the petition is to accommodate direct vehicular access for the

site to Carley Boulevard and Highway 29 and to reduce or eliminate some of the previously committed to design standards for University Place. Therefore, the petition is inconsistent with the previously approved master plan which has governed the development of the balance of University Place.

2 **Technical Consistency.**

1 **Pre-Hearing Staff Input.** The staff strongly discouraged this petition as well as numerous other inquiries over the years regarding this site's potential for access to Highway 29.

2. **Departmental Comments.** Departmental comments included the need for clarification on required buffers, sidewalk along Highway 29 and Carley Boulevard, and submission of design guidelines consistent with the plan for University Place The remaining outstanding departmental comments include strong opposition from CDOT regarding the proposed vehicular access to Carley Boulevard and U.S. 29 and submission of design guidelines consistent with the plan for University Place including commitment to submit detailed plans to the University City Design Review Board. (CDOT comments are attached).

<u>ISSUES</u>

1. **Land Use.** This petition raises no particular land use issue inasmuch as it proposes a change from one commercial zoning category to another for essentially the same land use as allowed by the existing site plan. Therefore, from a land use standpoint, the petition could be considered appropriate for approval.

2. **Site Plan.** This petition raises a significant site plan issue. It proposes a rezoning for the purpose of accommodating direct vehicular access to Highway 29 and Carley Boulevard. The original University Place master plan created a public street system that provided a controlled and well thought out vehicular and pedestrian circulation system which generally limited outparcel access to minor roads rather the major roads. In this case, access is to be provided by Olmstead Drive. Other sites within University Place have successfully developed in accordance with this circulation system which was a major focus of the original plan. Direct vehicular connections to major thoroughfares for existing or future outparcels within University Place would have a negative effect on traffic conditions and needlessly interrupt the associated thoroughfare buffer treatments. In addition to the access issues, this site plan also lacks some of the design related conditions previously established for University Place. Therefore, this petition is not considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 31, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-54 Site Plan Amendment:
Northwest Corner of US 29 and Carley Boulevard
(Revised 08/23/93)

This site could generate approximately 3,667 trips per day as currently zoned (with a maximum building square footage of 35,000 sf). Under the proposed zoning the site could generate approximately the same number of daily trips per day. The volume of daily trips will not have a significant impact on the surrounding thoroughfare system, provided that access to US 29 and Carley Boulevard, especially to restaurant/fast food types of land use, is handled internally to the larger shopping center/retail area and not as an out-parcel. CDOT is strongly opposed to direct access to US 29 and Carley Boulevard, which is to become a public street.

Under the original conditional zoning of this property, this is an outparcel and direct access to all the outparcels is prohibited to the thoroughfares and Carley Boulevard. Access is only allowed to the internal street system of the University Place Shopping Center Development (J. M. Keynes Drive and Olmstead Drive).

If the petition is approved as submitted, a minimum of 150 feet of internal channelization as measured from the right-of-way must be provided at the driveways to both US 29 and Carley Boulevard since it is proposed to be accepted as a public street. Therefore, all planned access locations would need to comply with the City Driveway Regulations (150 feet of internal channelization).

CDOT recommends sidewalk construction along the US 29 and Carley Boulevard frontages.

US 29 is a minor 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 private street connections. Two 35' x 35' and two 10' x 70' sight triangles are required for the private street connections to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the private street connections. Such items should be identified on the site plan.

The proposed driveway connections to US 29 and Olmstead Drive 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 location 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 driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

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

To facilitate building permit/driveway permit review and approval, the site plan needs to be revised to indicate:

- a complete parking summary
- driveways which comply with the City Driveway Regulations
- typical parking module dimensions

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 cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
R. Steve McNair
Fletcher G. Keith
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No	93-54
Date Filed	July 6, 1993
Received By	T. Davis

OFFICE USE ONLY

STAFF REVIEW 8/3/93 10:00

Ownership Information

Property Owner: Home Federal Savings and Loan Assn.

Owner's Address: 139 South Tryon Street Charlotte, NC 28202

Date Property Acquired: 8/86

Tax Parcel Number: 047-201-023

Location of Property (address or description)

Northeast corner of US Highway 29 at Carley Blvd

Description of Property

Size (Sq. Ft.-Acres): 4.922

Street Frontage (ft.): 402.48 Carley
525.23 US Highway 29

Current Land Use: Undeveloped

Zoning Request

Existing Zoning: B1-SCD

Requested Zoning: Site plan amendment

Purpose of Zoning Change: To provide for ingress and egress along US Highway 29 and Carley Blvd

R. Steve McNair	Fletcher G. Keith
Name of Agent	Name of Petitioner(s)
5344 Central Avenue	4016 Triangle Drive
Agent's Address	Address of Petitioner(s)
Charlotte NC 28212	Charlotte NC 28266
Telephone Number (704) 535 7584	Telephone Number (704) 392-1338
	Fletcher G. Keith Jr.
	Signature
	Signature of Property Owner if Other Than Petitioner: Home Federal Savings

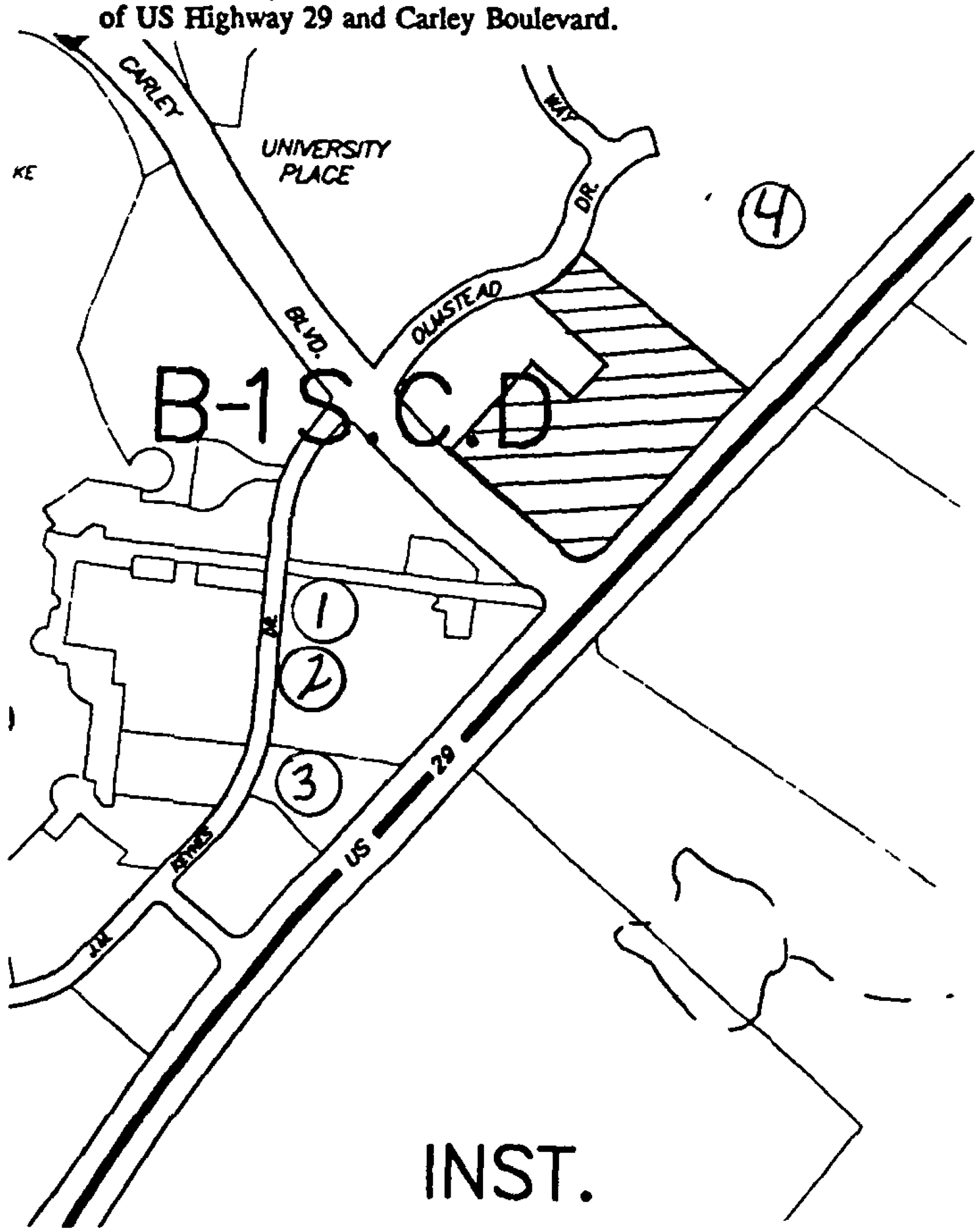
Petition #: 93-54

Petitioner: Fletcher G. Keith **Hearing Date:** September 20, 1993

Zoning Classification (Existing): B-1 SCD

Zoning Classification (Requested): *Site Plan Amendment*

Location: Approximately 4.92 acres located on the northwest corner of the intersection of US Highway 29 and Carley Boulevard.



Zoning Map #(s): 58 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

August 2, 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 July 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, September 13, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, September 20, 1993.

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

Respectfully submitted,

John P Byrne (LS)

John P. Byrne
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

JPB:mlj

Attachments

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

DATE:	**July 36, 1993**
PETITION NO.:	**93-38**
PETITIONER(S):	**J. C. and Diane Vandevere**
REQUEST:	**Change from I-2 to U-MUD.**
LOCATION:	**Approximately 2.45 acres located on the southwest corner of East Morehead Street and Vandevere Place (formerly South College Street).**
ACTION:	**The Zoning Committee recommends that this petition be approved.**
VOTE: Yeas:	**Byrne, Heard, James, Jones, and Whelchel.**
Nays:	**None.**
Absent:	**Baucom and Motley.**

REASONS

This petition proposes rezoning from the general industrial district to the Uptown (UMUD) district. The requested district would heighten the development or redevelopment options due to lesser setbacks, yards, and parking requirements than the existing district. The Zoning Committee viewed the requested UMUD category as an appropriate zoning classification for this setting and, therefore, recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

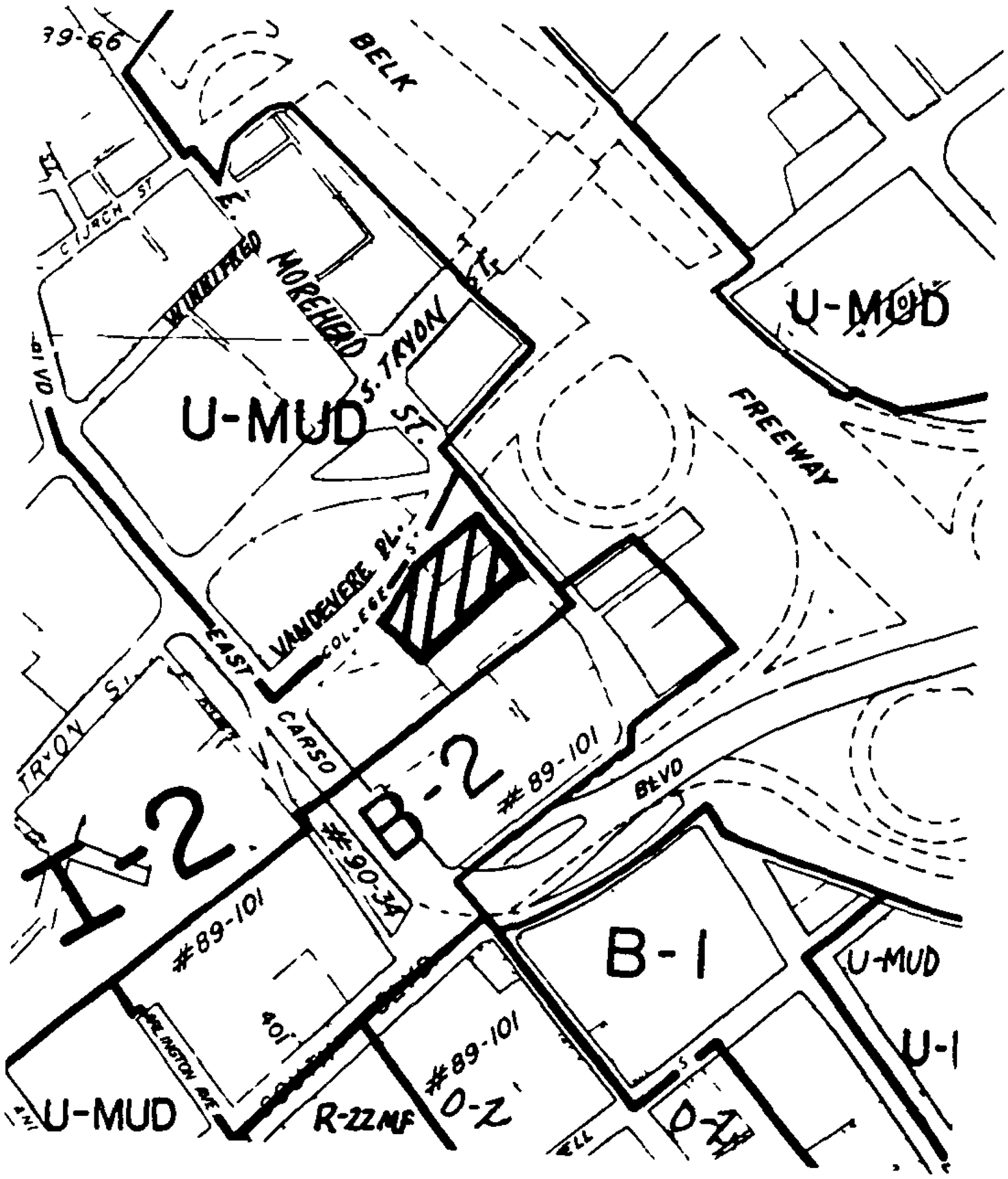
Petition #: 93-38

Petitioner: J.C. & Dianne Vandevere **Hearing Date:** July 19, 1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): U-MUD

Location: Approximately 2.45 acres located on the southwest corner of East Morehead Street and Vandevere Place (Formerly South College Street).



Zoning Map #(s): 102 **Scale:** 1" = 400'

DATE:	**July 26, 1993**
PETITION NO.:	**93-39**
PETITIONER(S):	**John Crosland Company**
REQUEST:	**Change from R-9MF(CD) to R-6.**
LOCATION:	**A 19.46 acre site located on the easterly side of Idlewild Road east of Elwood Drive.**
ACTION:	**The Zoning Committee deferred action on this petition to the next work session (September 27).**

VOTE: **Yeas:** **Byrne, Heard, James, Jones, and Whelchel.**

Nays: **None.**

Absent: **Baucom and Motley.**

REASONS

This petition proposes rezoning from a conditional multi-family residential classification to a conventional single family residential district. Subsequent to the public hearing on this application, the petitioner requested a deferral in order to adequately address issues that arose at the public hearing. Therefore, the Zoning Committee deferred action on this petition to the next work session.

DATE:	July 26, 1993
PETITION NO.:	93-40
PETITIONER(S):	Baucom Press, Inc.
REQUEST:	Change from I-1, B-1, and R-17MF to B-2(CD).
LOCATION:	Approximately 2.25 acres located on the south side of Susan Drive east of W. T. Harris Boulevard.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Byrne, Heard, James, Jones, and Whelchel.
Nays:	None.
Absent:	Baucom and Motley.

REASONS

This petition proposes rezoning from a combination of industrial, commercial, and residential categories to a conditional general business district to accommodate an expansion of the existing printing and publishing company. The concept of additional nonresidential zoning and development further away from East W. T. Harris Boulevard is generally inconsistent with land use plans for the area. However, the plan proposes to in part to replace a conventional industrial category with a conditional commercial category and generally provides for more realistic development potential for the property. Therefore, the Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

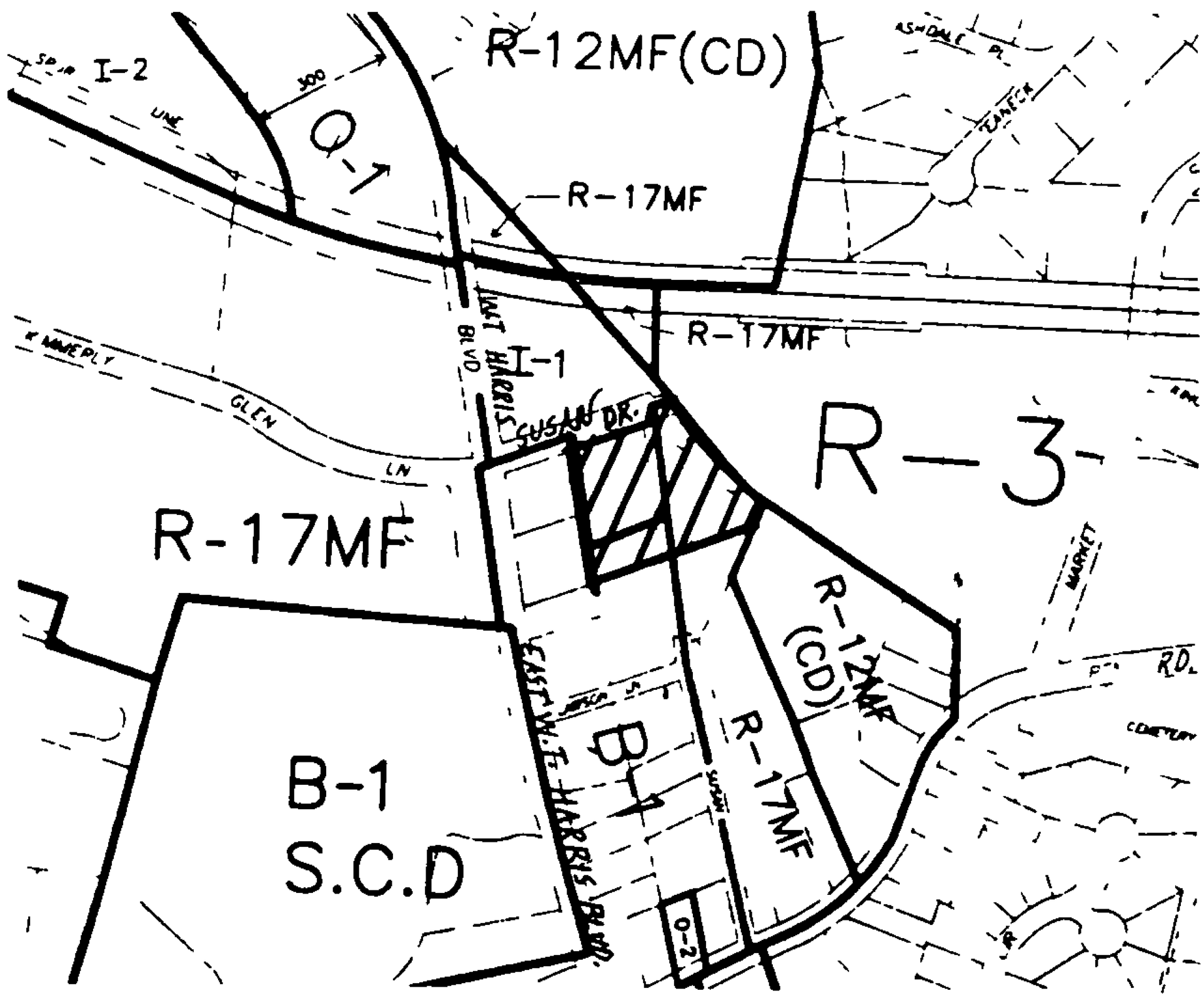
Petition #: 93-40

Petitioner: Baucom Press, Inc. **Hearing Date:** July 19, 1993

Zoning Classification (Existing): I-1, B-1 & R-17MF

Zoning Classification (Requested): B-2(CD)

Location: Approximately 2.25 acres located on the south side of Susan Drive, East of W.T. Harris Boulevard.



Zoning Map #(s): 99 **Scale:** 1" = 400'

DATE:	July 26, 1993
PETITION NO.:	93-41
PETITIONER(S):	City of Charlotte Engineering Department
REQUEST:	Consideration of a text amendment to the City Zoning Ordinance to reflect the adoption of a new stormwater design manual.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Byrne, Heard, James, Jones, and Whelchel.
Nays:	None.
Absent:	Baucom and Motley.

REASONS

The City Zoning Ordinance contains provisions for stormwater design plan approval and references the City Storm Drainage Design Manual. The City has recently updated and revised the manual and renamed it the "Charlotte-Mecklenburg Stormwater Design Manual." This petition proposes to amend the related reference in the zoning ordinance to reflect the revised stormwater manual. The Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

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 12 603 Standards for plan approval, (1) by deleting the following wording

"Storm Drainage Design Manual"

and replacing it with the following

"Charlotte-Mecklenburg Storm Water Design Manual"

Section 2 This ordinance shall become effective upon adoption

Approved as to form·

_____
City Attorney

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

_____
City Clerk

DATE:	**July 26, 1993**
PETITION NO.:	**93-42**
PETITIONER(S):	**J. Michael Shaheen**
REQUEST:	**Change from B-1 to NS.**
LOCATION:	**Approximately .4 acres located at the intersection of East 7th Street and Pecan Avenue.**
ACTION:	**The Zoning Committee recommends that this petition be approved.**
VOTE: Yeas:	**Byrne, Heard, James, Jones, and Whelchel.**
Nays:	**None.**
Absent:	**Baucom and Motley.**

REASONS

This petition proposes rezoning from a B-1 category to the neighborhood services district in an area in which publicly adopted plans have long recognized the feasibility and desirability of this concept. The Zoning Committee noted that there was no opposition at the public hearing and viewed the petition as appropriate for the area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

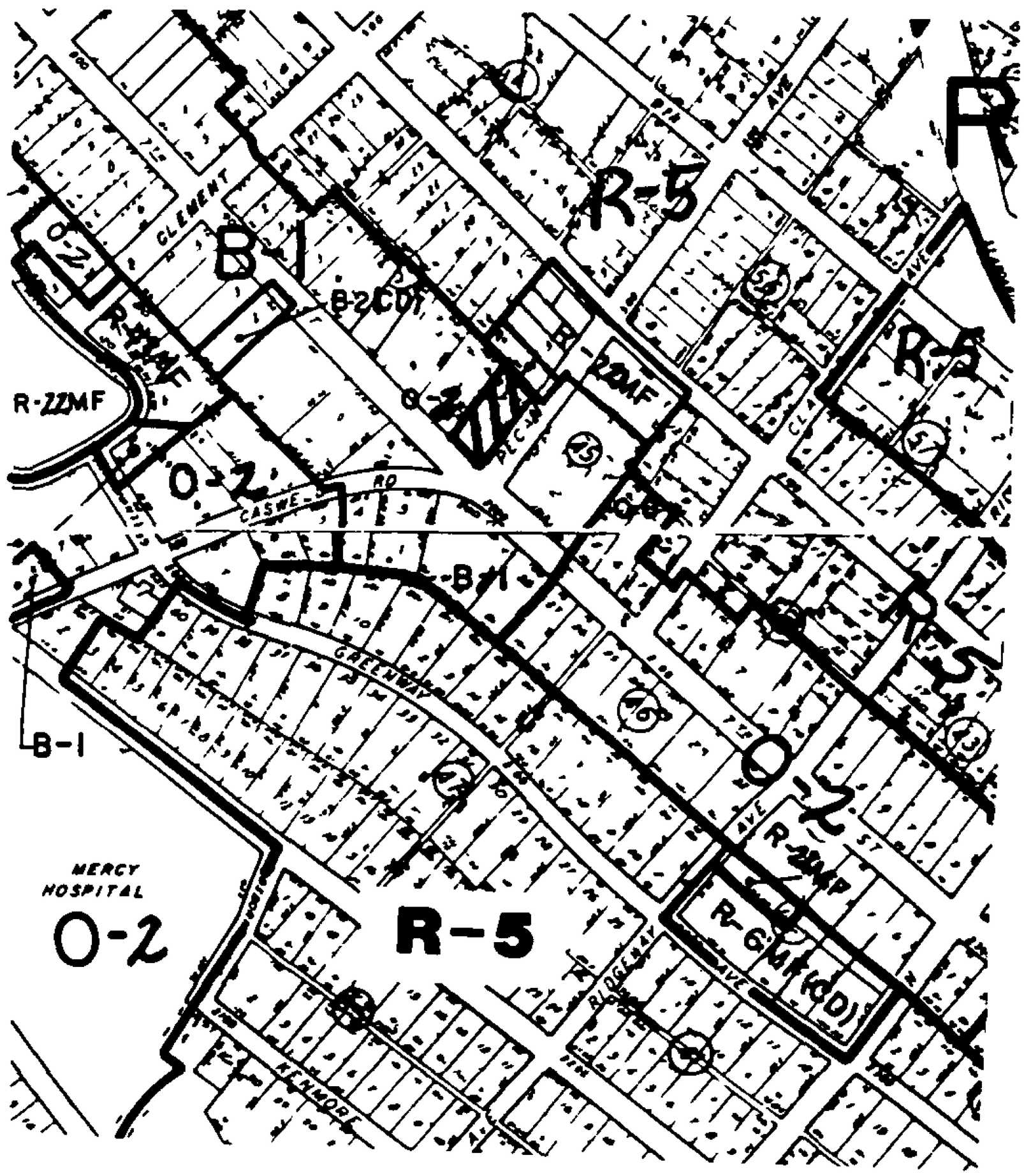
Petition #: 93-42

Petitioner: J. Michael Shaheen **Hearing Date:** July 19, 1993

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS (Neighborhood Services)

Location: Approx .409 acres located northwesterly corner of 7th Street and Pecan Avenue.



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

DATE:	July 26, 1993
PETITION NO.:	93-43
PETITIONER(S):	Matthew A. Sullivan
REQUEST:	Change from R-22MF to B-2(CD).
LOCATION:	Approximately .53 acres located on the south side of Denver Avenue east of Morris Field Drive.
ACTION:	The Zoning Committee recommends that this petition be denied.
VOTE: Yeas:	Byrne, James, Jones, and Whelchel.
Nays:	Heard.
Absent:	Baucom and Motley.

REASONS

This petition proposes rezoning from a multi-family residential category to a conditional general business district to accommodate an existing automobile repair garage to the rear of the existing dwelling. The Zoning Committee discussed this petition at length noting the petition's inconsistency with land use plans for the area, the adjoining residential land uses, and a recent Zoning Board of Adjustment decision to waive the requirement for buffers adjoining residential zoning and development. It was noted that the current property owner had purchased the property based on the understanding that the existing automobile repair garage was a permitted use. It was also noted that there was no opposition at the public hearing. However, at least several members of the Zoning Committee noted that inadequate or incorrect information from a seller is not necessarily justification for a rezoning and the appropriate recourse is through the closing attorney. Therefore, the Zoning Committee recommends that this petition be denied.

MINORITY OPINION

The minority opinion viewed the petition as acceptable in that there was no opposition at the public hearing, the general area is one of transition from residential development to nonresidential development and the overall petition is minor and does not raise a significant land use issue. It was noted, however, that the access through a residential street raises a concern.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

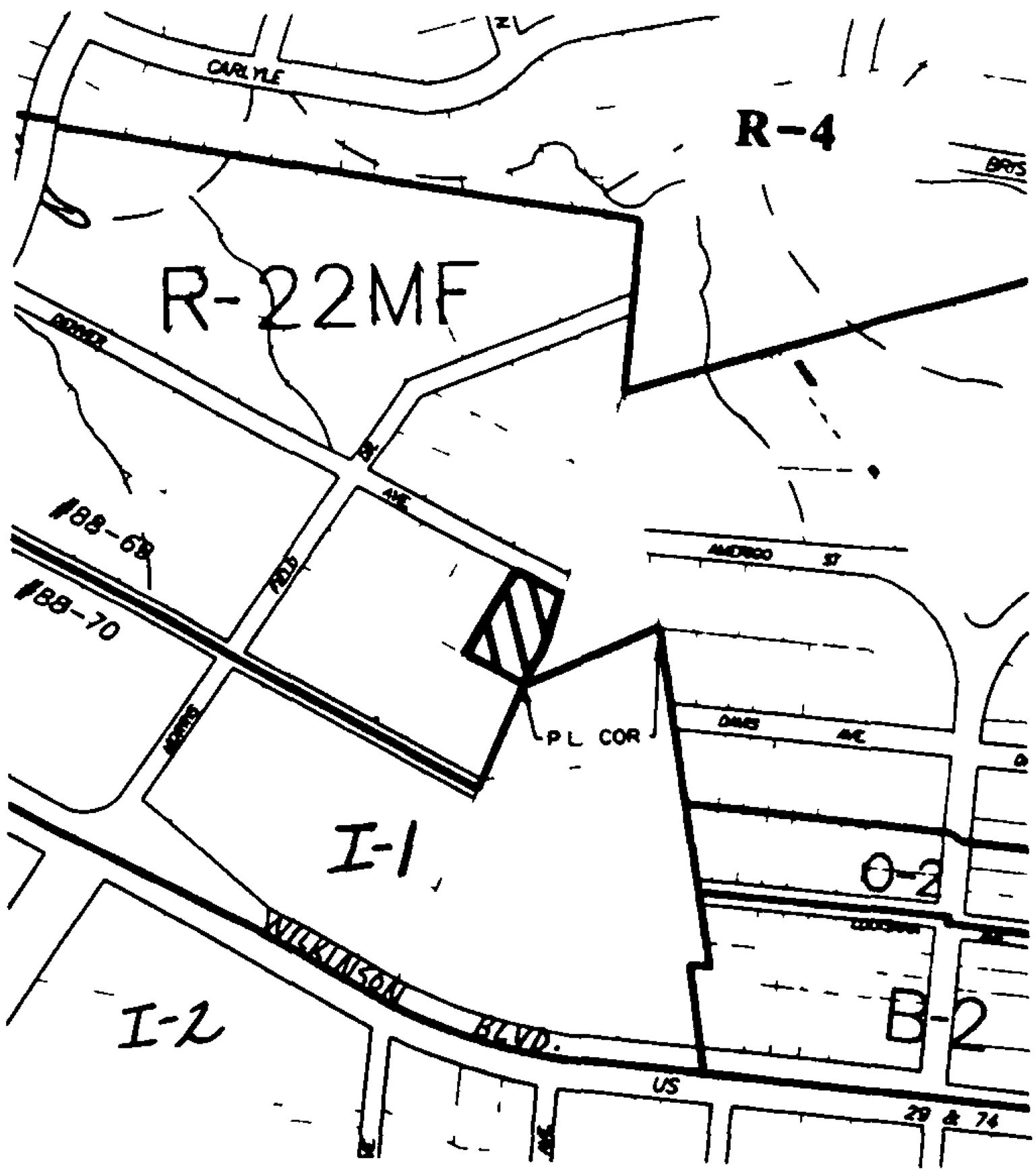
Petition #: 93-43

Petitioner: Matthew A. Sullivan **Hearing Date:** July 19, 1993

Zoning Classification (Existing): R-22MF

Zoning Classification (Requested): B-2(CD)

Location: Approximately .53 acres located on the south side of Denver Avenue east of Morris Field Drive.



Zoning Map #(s): 104 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 2, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Planning 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 September 1, 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, September 13, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, September 20, 1993.

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

Respectfully submitted,

Mahlon Adams

Mahlon Adams
Charlotte-Mecklenburg Planning Commission
Zoning Committee Vice Chairperson

MA:mlj

Attachments

DATE:	September 1, 1993
PETITION NO.:	93-44
PETITIONER(S):	Charlotte City Council
REQUEST:	Consideration of a text amendment to the City of Charlotte Zoning Ordinance to establish guidelines for the improvement, expansion or replacement of existing group homes.
ACTION:	The Planning Committee recommends that this petition be denied.
VOTE: Yeas:	Adams, Bruno, Fenning, Hill, and O'Brien.
Nays:	McMurray.
Absent:	Dayton.

REASONS

The zoning ordinance established location criteria, effective in January 1992, for new group homes in or near residential areas that provides a 1/4 mile separation from any existing group home. Existing nonconforming group homes are not permitted to expand or to be replaced. This proposed text amendment would provide an exemption from the location criteria for existing group homes. In addition, replacement of group homes established prior to January 1, 1992 would be permitted on the same site or on a site in the immediate area if the distance to another group home is not decreased. The Planning Committee had previously deferred the petition in order to allow time for additional study by an ad hoc committee. The group home committee has met with neighborhood representatives and service providers and discussed the issue extensively. The committee reported back with a number of conclusions as a result of their work:

- Research indicates that there are a number of nonconforming group homes which would be affected by the amendment.

- The spacing requirement is the only tool available to deal with neighborhood, as well as some provider's, concerns.

- Neighborhood organizations indicated opposition to the relocation of any currently nonconforming group home. However, most agreed that existing facilities should be allowed to make alterations or additions to an existing house just as other property owners in the area can make in conformance with zoning and building code regulations. Under no circumstances should nonconforming uses be allowed to expand.

The Planning Committee discussed the proposed text amendment and summarized the outstanding concerns and issues as follows:

Definitional Issue
There was agreement that the zoning ordinance definition of group home needs to be refined. The definition needs to distinguish between group homes that operate as residences in a clearly residential manner and institutional uses that provide medical services. (The planning and legal staffs are currently developing revised group home definitions for an upcoming proposed text amendment).

Discrepancy Issue
There was significant concern about the discrepancy between the proposed text amendment's treatment of nonconforming uses as opposed to other nonconforming uses. The proposed text amendment would allow expansion and relocation of nonconforming group homes whereas other nonconforming uses are not permitted to expand or relocate. The Planning Committee expressed much concern about the potential ramifications of such a discrepancy.

Consistency With State Regulations
It was noted that the existing zoning ordinance, including the 1/4 mile separation standard, is consistent with state regulations regarding group homes in residential districts. The state regulations allow a 1/2 mile separation and seemingly do not accommodate additional restrictions on group homes.

For the reasons noted above the Planning Committee recommends that the proposed text amendment be rejected.

It was also noted that an upcoming text amendment will provide clarification on the definition of group homes.

MINORITY OPINION

The minority opinion noted that the text amendment as submitted is appropriate for approval subject to the upcoming refinement of the group home definition. It was noted that the proposed text amendment fulfills City Council's request and adequately resolves the outstanding issues.

STAFF OPINION

The staff agrees with the recommendation of the Planning Committee.

Petition No. 93-44
Petitioner: Charlotte City Council

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:

Amend Section 12.517 by adding the following new paragraph.

3. Previously established group homes. It is acknowledged that the changing needs of group home residents may, from time to time, warrant the improvement, expansion, or even replacement of an existing facility. The application of the location criteria in subsection 1 above could make such an expansion or replacement difficult to accomplish for group homes lawfully established prior to January 1, 1992 which are less than 1/4 mile away from another group home. Therefore, the locational criteria in subsection 1 above will not apply to established group homes provided all other ordinance requirements for such a use are met. For the purposes of this section only, replacement will be construed to mean the acquisition or construction of a structure to be used for a group home that had been lawfully established prior to January 1, 1992, either on the same site or a site within the immediate area of the previously established group home, so long as the distance to any other group home is not decreased below that which exists as the time of the proposed replacement. This provision is predicated on the termination of the use of the existing facility as a group home at such time as the replacement facility is occupied as a group home.

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

Approved as to form:

_____
City Attorney

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: August 31, 1993

TO: Members of the Planning Committee

FROM: Mahlon Adams

SUBJECT: Group Homes - Working paper

Since the Planning Committee meeting of July 26 we have compiled - as best we have been able - a comprehensive list of about 100 group homes. (This effort has been somewhat complicated due to the complexity of service identity and the delivery of various services)

1. We have through the efforts of Mike Williams of the Planning Commission staff demonstrated the range of our ability to produce a mapping process (see attachments)

   Each of the following members of the Planning Committee have attended one or more meetings· Mahlon Adams, Mike Bruno, Pat Dayton, Gloria Fenning and Leroy Hill.

2. Representatives of the regulatory staffs (zoning, code enforcement and legal) met to broaden our understanding of the regulatory process.

3 On August 2 we met - at their invitation - with a group of service providers where they aired their concerns and discussed what appropriate action they could or should pursue.

4. On August 14 Mahlon convened a group of service providers, neighborhood leaders and Planning Committee members at the Planning Commission office for the purpose of a round table discussion of issues related to group homes. The meeting was well attended and we feel that it was a productive exercise. Summary notes are attached.

5. Mahlon has also communicated with a number of neighborhood leaders and neighbors of group homes.

CONCLUSIONS:

There are an unbelievable jumble of both public and private services, service providers, licensing and funding sources, as well as definitions of group homes. So far we have been unable to locate a single comprehensive source of information although everyone seems to agree that such a resource would be helpful.

There is confusion as to what is and is not, should or should not, be classified as a group home. There is census that there definitely needs to be more study and further refinements to the whole issue of group homes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 1, 1993

GROUP HOMES WORKING PAPER

CONCLUSIONS REGARDING PETITION #93-44. A text amendment dealing with group homes

Our mapping study has indicated that there are a number of nonconforming group homes and neighborhoods which could possibly be affected by this amendment

While it may not be the best of solutions, the spacing requirement is the only tool we have currently available to deal with neighborhood, as well as some providers, concerns.

Without exception, all neighborhood organizations, leaders and individuals with whom I have spoken are opposed to the relocation of any currently nonconforming group home

On the other hand, nearly all agreed that any existing facility should be allowed to make any alterations and or additions to an existing house that any other property owner could make in conformance with zoning and building code regulations.

However, under no circumstance should be nonconforming USE be expanded.

There are some differences of opinion as to whether any change to the ordinance is necessary to accomplish this.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

MINUTES

Group Home Information Session
August 14, 1993
5 00 Uptown Conference

On Tuesday, August 14, 1993 a group was convened to discuss the placement of group homes in residential neighborhoods Representatives from neighborhoods, public and private group home providers, and the planning commission were all in attendance(see attachment) The purpose of the meeting was solely for gathering more information about group homes and their impact on neighborhoods The following text was taken directly from the discussion at that meeting and has been organized into three subject areas -- Group Home Needs, Neighborhood Concerns, and Working Towards a Solution

Group Home Needs

- Group Homes should be allowed in neighborhoods without restriction The Constitution and the American with Disabilities Act insures this right for handicap people to locate in residential neighborhoods (This assertion was debated).

- The prejudices and fears of neighborhoods need to be addressed more than the rules regulating the placement of group homes

- People are afraid of change. Change in the appearance of a building or a lot, or change in how a building is used can be very disturbing to a resident. This change is especially disturbing if they do not know what is happening or if they are not included in the change

- It is already difficult to locate group homes. Restrictions like the 1/4 mile rule only make it more so.

- Restrictions like the quarter mile rule are arbitrary. Two group homes can be located within a quarter mile, but be in totally different neighborhoods, depending on the streets and other features in the neighborhood or neighborhoods

Neighborhood Concerns

- People do not want to eliminate group homes and they do not usually mind having them in their neighborhood. What people are bothered by is the changes which group homes can bring to a neighborhood change in use, change in the lot and building, parking on the street, and noise from shift changes

- Cumulatively, group homes can change the character of a neighborhood from residential to institutional This change is a negative for the neighborhood as well as the group home and can be a contributing factor to the erosion of the character of a neighborhood

- The definition of a group home is too broad. Organizations which work more like a medical facility or an institution are building and operating facilities with the same protections as smaller, less obtrusive group homes

Working Towards a Solution

- There was a general consensus that a better definition of what is and what is not a group home would help in the regulation and placement of group homes in neighborhoods Residents expressed the concern that the group home definition is too broad and allows for larger, more institutional uses to be established in neighborhoods Some of the group home providers indicated that their reputations were being hurt by organizations that are building and operating institutions under a group home label which are not truly residential group homes Some of the criteria discussed on August 24 follows

Legal Requirements Federal and state laws currently restrict the authority of localities to restrict and regulate the placement and use of group homes. Any consideration of changing the regulation of the placement of group homes would have to be in accordance with these laws and protections.

Definition Appropriate uses for group homes need to be identified Are they places for rehabilitation into the mainstream or permanent residence for individuals who need special attention? Which types of facilities are not appropriate for residential neighborhoods? Should there be restrictions on the number of people allowed in a residentially zoned group home When is a group home a threat to the neighborhood?

Design This criteria includes the size and design of the group home structure and lot. What design criteria is or can be imposed upon a group home?

Use and Operation This criteria concerns how the operations of the home impacts the neighborhood. Are administrative offices appropriate? Can and should shift changes and other activities be regulated?

Location/Proximity Is the quarter mile rule fair and effective or is it an arbitrary requirement? Can a better rule be developed that takes neighborhood boundaries into account? Should special exceptions be allowed?

Placement Can better placement policies and procedures be initiated voluntarily by the group home providers? Some providers have been very successful in placing group homes and have received a minimal amount of neighborhood opposition. Does including the neighborhood in the placement process increase support for the group home?

August 31, 1993

Attachment #2

FAMILY CARE HOMES

§ 168-21. Definitions

As used in this Article

(1) "Family care home" means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons

(2) "Handicapped person" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G S 122C-31(11)b (1981, c 565, s 1' 1985, c 589, s 62)

§ 168-22. Zoning. family care home.

A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance, or plan, provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home (1981, c 565, s 1)

CASE NOTES

A group health care facility for five nonrelated mentally handicapped individuals was a "residential" use of the dwelling Smith v Association for Retarded Citizens for Hous Dev Serva , Inc 75 N C App 435, 331 S E 2d 324 (1985)

§ 168-23. Certain private agreements void

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of such property as a family care home shall, to the extent of such prohibition, be void as against public policy and shall be given no legal or equitable force or effect, c 565, s 1)

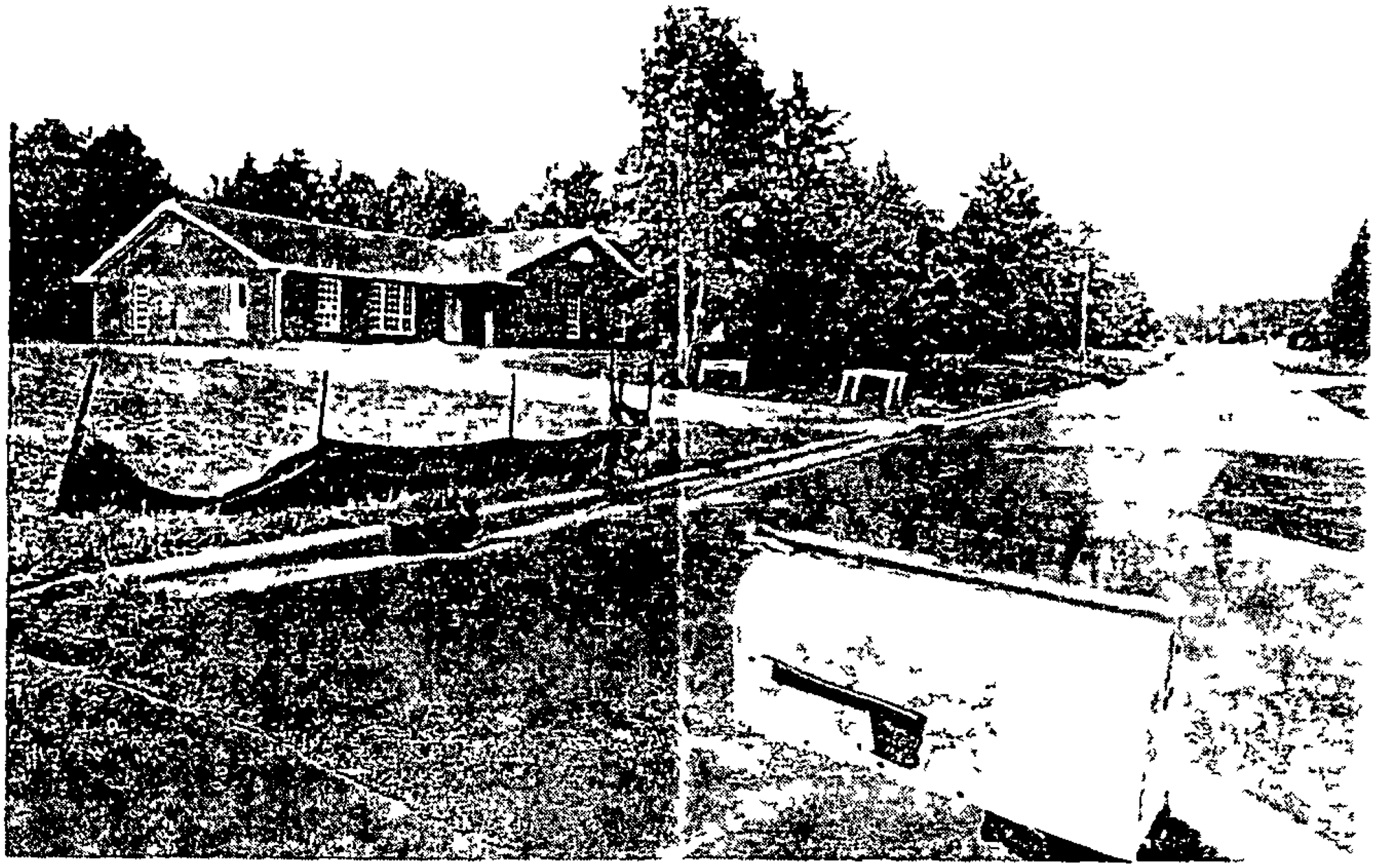
14,654

JUL 12 93

113

ATTACHMENT #3

GROUP HOME RAISES CONCERNS



Donnie Roberts/The Dispatch

The Association for Retarded Citizens group home is being built in the new residential neighborhood Glenwood South which has several residents upset

ARC home has some upset

By AUDREY WILLIAMS
The Dispatch

Many of the homes in the Glenwood South subdivision — and the families that live in them — are similar

Residents keep their lawns mowed and their flower gardens neat Paved driveways are home to two or three cars and there may be a barbecue grill sitting next to a picnic table in the back yard

For someone passing through the neighborhood one home probably wouldn t stand out above the others But when construction began on a home on Hunters Way, some neighbors took notice

The 2 700 square foot home which one Glenwood South resident called ' state of the art is being built to house six people with developmental disabilities Some residents of the subdivision say their neighborhood which consists of single family homes ranging from $80 000 to $140,000 is the wrong place for it

It (the group home) is not a single family home It s a group home said Lois Perryman who lives on the lot next to where the group home is being constructed People thought this was a single family home neighborhood when they moved here They bought under the guise of one thing and they got another

It was just done so sneakily We were never given any notification at all that they were going to build that home here,' Perryman said ' And the home they re building is so expensive Something more modest could ve been built

The new home, which costs approximately $300,000 will be paid for by the Department of Housing and Urban Development The state will provide the Association of Retarded Citizens of Davidson County with money to furnish and operate the home said Ann Byerly the president of the ARC Board of Directors

' We ve tried to be as open as possible about this Byerly said

And at least one set of neighbors John and Helen Flinn who live on Hunters Way say they can understand the neighborhood s concern but they don t think the group home will pose any major problem

' People were concerned because nobody knew exactly what it was going to be ' John Flinn said There just wasn t any explanation '

ARC operates four group homes in Lexington The new home will open in October to replace the two story ARC home on West Fifth Avenue which is not handicapped accessible That home was also leased

According to state law a family care home shall be a permissible use in all residential districts ' The Fair

See **ARC** *on page 5A*

ARC home has some neighbors upset

Continued from page 1A

Housing Amendments Act of 1988 a federal statute, states that it is unlawful to make a dwelling unavailable to any buyer or renter because of a handicap Thus, a state law that allowed local governments to enact a ban on more than one family care home within a half mile radius is no longer valid.

"If the city tried to prohibit it (the group home), we'd be violating state law,' said Don Richardson director of building and zoning for the city "Under North Carolina law that home is considered a single family home '

Byerly said ARC looked at five possible sites for the home in Davidson County The lot in Glenwood South was chosen because it met most of the ARC criteria

The new home doesn't need a lot of landscaping and sewer and water is provided here," Byerly said We also have to be near grocery stores and recreational activities "

The new home has six bedrooms and three baths Byerly said she hopes it will blend in well with other homes in the Glenwood South subdivision

Doug Rowe, who has lived on nearby Mitchell Avenue for 17 years said he understands that everyone deserves a nice place to live but he still can't shake the feeling he has of something being slipped in on him

'There was a total lack of information about this property," said Rowe, who attended the public auction where the lot for the home was sold "As homeowners, we have a right to know what's being built near us It's not a traditional family dwelling and that s what everybody here thought they'd be getting "

"I have nothing against that type of home," said Rowe's wife, Lynn "I just can't understand why they had to put it here with all the land that is available in the city "

Byerly said she attributes the neighborhood's reaction to fear

"People fear what they don't understand and they don't understand people with developmental disabilities," said Byerly, whose 33 year-old son has Down's syndrome 'They want to lump all developmentally disabled people together and they are not all alike "

Rithia Ford, coordinator of services for people with developmental disabilities in Davidson County, said residents of the city s four group homes must be 18 and be able to attend a day program where they do pre vocational work for six hours each day They also have the option to take compensatory education classes, Ford said

There is one staff person in each group home at all times — residents are never left at home alone Residents have chores to do at home and they also participate in recreational activities such as bowling, swimming, softball and basketball

"They have the same normal rhythm that other people have," Ford said "The homes provide a teaching environment where they can learn skills to help them move on to independent living "

' We have homes that are just like anyone else's," said Mitchell Bratton, the administrator of ARC "They're not supposed to look like institutions and they don't '

' We've been living on Fifth Avenue for 12 years and we've never really had any problems with neighbors there or at any of our other homes," Byerly said ' I think our new home will be compatible with the others They deserve a nice home just like anyone else "

9-6-93

Dear Mr. Mayor and Members of City Council,

In considering the Group Home situation on Yale Place and all over Charlotte we want you to support the 9-1-93 decision of the Charlotte-Mecklenburg Planning Commission to defeat Petition #93-44. We, as Yale Place homeowners, feel the Planning Commission decision is important, appropriate and well investigated. Please defeat Petition #93-44 at the 9-20-93 City Council Meeting.

We want to thank all of the Council Members who have met with our neighborhood representatives to hear the other facts, opinions and concerns in this issue. We know your decision has impact on Yale Place but potentially all of Charlotte and thus the decision must be done with all the facts and both sides of the story.

Please vote NO on 9-20-93 on Petition #93-44.

Sincerely,

Keith and Amy Harkey
1221 Yale Place
Charlotte, NC 28209
527-5699

RECEIVED
SEP 10 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

September 7, 1993
1126 Yale Place
Charlotte, N.C. 28209

RECEIVED
SEP 10 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

Re:Petition # 93-44
Group Home on Yale Place

Dear Mayor Vinroot and Members of City Council:

Please vote to defeat Petition #93-44 at the Council Meeting on September 20, 1993. Your vote to defeat this petition will be in accordance with the Planning Commission's decision of Sept. 1.

The neighborhood believes it will be detrimental to the single family zoning on Yale Place to allow the non-conforming group home located at 3201 Park Road to build yet another non-comforming facility at 1120 Yale Place.

We first learned of this effort on May 20, 1993. It's been a long, hot summer, full of controversy and I believe Council would also like to have this item resolved and removed from the agenda after September 20!

Most of the Council members have taken time from their busy schedules to meet with neighbors and walk the site. We are grateful for their concern and wish to thank them all. They have seen the potential for drainage problems on this piece of property and they have heard the concerns of the neighbors.

Thank you for your careful consideration of this petition. Please consider the 23 homes on our small street in making your decision.

Sincerely,

Frances R. Ambrose

Frances R. Ambrose

RECEIVED
SEP 10 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

Dear Fat McCroy

I support the Planning Commission vote to defeat Petition # 93-44. I sincerely hope that you and all City Council Members will vote against this petition. Yale Pl. cannot accommodate a new, larger facility for a group home. Our street is a narrow, one block long, single family neighborhood with an existing group home. Other areas are watching this very closely. If this new construction is forced on us against the wish of the majority, surely others will oppose group homes in their neighborhoods. If group homes and their supporters bully their way into lopsided development, single family streets will be up in arms.

Sincerely,

Michael L. Quinn
1227 Yale Pl.
Charlotte, N.C. 28209

September 7, 1993

Dear Mr. Mayor, Members of the City Council and the Planning Commission

We, the residents of Yale Place, gratefully support the September 1, 1993, Planning Commission vote to defeat petition number 93-44 and would appreciate all City Council Members defeating this petition as well. We feel defeating this is in the best interest of Yale Place as well as all neighborhoods, throughout the city, that have group homes.

Therefore, please accept this letter of grateful thanks to the Planning Commission and a petition to our City Council to defeat petition 93-44, by the undersigned.

RECEIVED
SEP 10 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

NAME	ADDRESS
Frances R. Ambrose	1126 Yale Place
Doris B. Van Ellery	1138 Yale Place
Mary Hymon, Jr + Betty Robins	1200 Yale Place
Robert Ray Justis	1208 Yale Place
Ellen Osborne	1238 Yale Pl
Ch. M. Osborne	1238 Yale Pl
Traci Spollerson	1239 Yale Place
Mark Williams	1227 Yale Place
Amy Harkey	1221 Yale Place
Nick Harkey	1221 Yale Place
Mary Richardson	1215 Yale Place
David Spruill	1209 Yale place
Charles Chitty	1133 Yale Pl
James H. Brown	1132 Yale Place
Roger Tinder	1134 Yale Place
[illegible]	1115 Yale Pl
Elizabeth P. Deal	1121 Yale Pl.
J. K. Deal	1121 Yale Pl.
Francis Sherwood	1127 Yale Pl.
Richard Schwartz	1132 Yale Pl.
Melanie Quaschnick	1132 Yale Pl
Mr & Mrs James C Jordan	1214 Yale Place
Mr + Mrs Kent E Petersen	1247 Marlwood Ln
Madeline Dugan	1201 Yale Pl
Charles Dugan	1201 Yale Pl
Lawrence C Rhyne	1220 Yale Pl.
Joyce Hennessey	1201 Marlwood
Andre F Blanchard	1233 Yale Place Charlotte, N.C.
Jean Claude Blanchard	1233 Yale Place
Mrs. R Glenn Cudy	1101 Yale Place
Sherry L. Raines	1101 Yale Place
Susan M. Simms	1101 Yale Place

MAYOR'S SCHEDULE

September 22, 1993

<u>7:30 p.m. - Zoning Meeting</u>

1 Invocation (No one at this time)

2 The following requests to speak to agenda items have been received

(a) Agenda Item No 2, Hearing on Petition No 93-46A

✓(1) Bailey Patrick, 227 W Trade St , Suite 2200, 372-1120 - AGAINST

(b) Agenda Item No 7, Hearing on Petition No 93-47

✓1 Fred Bryant, 1850 E 3rd Street, 333-1680 - FOR

#8-93 4 8 ✓Frank Martin ←

(c) Agenda Item No 9, Hearing on Petition No 93-49

A protest petition has been filed and is NOT sufficient to invoke the 3/4 rule

✓1 David Jones, 101 N Tryon St , Suite 4200, 331-7481 - FOR

(d) Agenda Item No 11, Hearing on Petition No 93-51

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

✓1 Samuel M Youngblood, III, 11535 Getaway Lane, 568-4562 - FOR
✓2 Olga Lambeth, 217 Neal Drive, 596-9269 - AGAINST
✓3 Debbie Moser, 526 Owen Blvd , 372-9411 - AGAINST
✓4 David Lockhart, 220 Neal Drive, 529-1976 - AGAINST

(e) Agenda Item No 12, Hearing on Petition No 93-52

A protest petition has been filed and is NOT sufficient to invoke the 3/4 rule

✓1 Eddie Knox, P O Box 30848, 372-1360 - FOR
✓2 Sam Smith, 114 Queens Gate Lane, 334-9922 - AGAINST

(f) Agenda Item No 13, Hearing on Petition No 93-53

✓(1) JOHN JENNINGS - FOR
✓1 Mrs Marion Campbell, 4941 Lakeview Road, 596-8281 - AGAINST
2 Gerson Stroud, 1822 Crestdale Drive, 392-4753 - AGAINST

(g) Agenda Item No 14, Hearing on Petition No 93-54

1 George Maloomian requests a continuance for site plan amendment until the October 20 Zoning Meeting since the required traffic study is not complete

Recvd. 9/14/93

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

September 13, 1993

Mayor and City Council
Charlotte-Mecklenburg Planning Commission

RE Petition No 93-44

Attached please find one statement submitted in reply to Planning Commission rezoning recommendations.

This case is scheduled for decision on Monday, September 20, 1993 The meeting will be held at 6.00 o'clock P.M in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

Respectfully submitted,

Walter G. Fields III (JB)

Walter G. Fields, III
Land Development Manager

WGFIII mlj

Attachments

cc Mr. Wendell White, City Manager
Mr Henry Underhill, City Attorney
Ms. Brenda Freeze, City Clerk

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

MAGH

Mecklenburg Autistic Group Homes, Inc.
401 S. Independence Blvd , Suite 644 • Charlotte, N C 28204

RECEIVED
SEP 13 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

TO. Members of the Charlotte City Council and Planning Commission

FROM: J Marc Phillips, Executive Director
Mecklenburg Autistic Group Homes, Inc

DATE September 9, 1993

RE. Response to Planning Committee Recommendations re. Petition # 93-44

In the Spring of 1991, residents of the Idlewild Farms Neighborhood approached the Mecklenburg Board of County Commissioners (BOCC) with a complaint that two group homes, both operated by the County's Specialized Youth Services program, had been located in their subdivision In their opinion, this created an undue burden on their neighborhood In response, the BOCC asked the Human Services Council to establish a task force to investigate the process by which the location of group homes was determined and to formulate suggestions regarding steps the BOCC might take to ensure reasonable dispersion Subsequently, the "Task Force for Siting Special Needs Housing" was formed

For several months, members of the Human Services Council, Mental Health Association, Neighborhood Associations, the Association for Retarded Citizens, several group home operators and Area Mental Health staff met on a regular basis to explore these issues In June of 1991, two options were recommended to and adopted by the BOCC (Attachment #1) First, a "Clearing House" was to be established and operated by the Area Mental Health Authority for the purpose of maintaining a central listing of all properties purchased, leased, or optioned for use as group homes Secondly, a list of nine specific recommendations for improving communication with neighborhoods was compiled and disseminated to group home operators.

Suggestions for more direct action by BOCC, including separation requirements, were not recommended on the advice of Mr. Marvin Bethune, County Attorney, who advised the Task Force that the County could only restrict the siting of group homes which it directly operated Otherwise, they would be in violation of the Fair Housing Amendments Act of 1988 Since that time, the Clearing House has been operating successfully and many of the recommendations for improving communication with neighborhoods have been adopted by group home operators.

Six months after these recommendations were adopted, both the County and the City adopted separation requirements for group homes in total disregard for its previous decision It is our understanding that this sudden turnaround was in reaction to other neighborhood concerns about a 20-bed halfway house and "group homes" for homeless people. Ironically, neither of these facilities would have met the State definition of a "Family Care (or Group) Home" outlined in § 168-21 (Attachment #2).

In our discussions with City and County officials, reference has frequently been made to a 1981 Statute, §168-22 (Attachment #2), which allows a one-half mile radius separation between Family Care Homes This Statute only applies to Family Care Homes, and has nothing to do with facilities of more than six residents, as proposed for the halfway house, or to facilities for the homeless Nevertheless, other municipalities such as Lexington, NC, have acknowledged that this Statute was invalidated by the Fair Housing Amendments Act (FHAA) of 1988 (Attachment #3)

We recognize the difficult position in which Council members and the Planning Commission are put when they must choose between the wishes one group and another However, the proposed amendment on which you have been asked to rule was originally requested by Council to prevent five men from being forced to leave the only home most of them have known for the past 14 years

In response to the Planning Committee's three concerns about the text amendment, MAGH respectfully requests that Council look closely at the Planning Committee's three concerns about the proposed amendment

1) "Definition Issue" - The definition of a Family Care (or group) Home is clearly defined in § 168-21, and does not need to be "refined" (Attachment #2),

2) "Discrepancy Issue" - It is our understanding that Council asked the Planning Commission to draft the amendment in order to allow an established group home to expand and relocate "on the same site or a site within the immediate area" That is the only reason the amendment was requested If the Committee is concerned about "expansion" in the number of residents, no group home could exceed the "six resident handicapped persons" specified in § 168-21 If the Committee is concerned about "expansion" of the facility, it would still need to conform to the same construction and setback requirements as any other residential facility If by expansion the Committee means the number of group homes in a given area, the amendment clearly states that the distance between group homes could not be decreased by the construction of a replacement facility. Consequently, no increase in density could occur Therefore, the expansion or relocation of a group home should not be an issue; and

3) "Consistency with State Regulations" - As we have already shown, the 1981 statute allowing a separation standard, was invalidated by the FHA Act of 1988, and only remains on the books because no one has gone to court to overturn it

We feel that Council showed both courage and compassion when it asked the Planning Committee to draft this amendment, and that its approval at this time would in no way impede the Planning Committee from further study of the ordinance Although we welcome the opportunity to meet with the Planning Committee, interested citizens, and others to discuss the issue of group homes, we feel that we have acted in good faith throughout this process, and request that the amendment be approved immediately so that we can resume our efforts to provide our residents with a better environment in which to live

ATTACHMENT #1

RECOMMENDATIONS

of the

TASK FORCE FOR SITING SPECIAL NEEDS HOUSING

CLEARING HOUSE RECOMMENDATION

We, the Task Force for Siting Special Needs Housing, recommend that the Board of County Commissioners establish through its powers a Clearing House for the purpose of:

1. Maintaining for all County operated, administered and contractually funded residential group homes or apartment programs an information base of all existing and proposed sites on an obligatory basis. Properties will be added at the time of purchase, lease, or option to develop a group home.

2. Maintaining for all private, public and non-County operated programs on a voluntary basis this same information base of all existing group home or apartment program sites.

This Clearing House will be administered through the Area Mental Health Authority or its designee in order to provide to current and/or prospective residential service providers information as to the location, size, type of program, nature of the client population and the provider of the service. This information will be:

1. Confidential and will be shared with directors and officers of those agencies administering group homes or to any organization seeking to locate property for a group home or apartment program setting within Mecklenburg County. This information will be available upon signing a commitment of confidentiality.

2. Updated by the provider as changes occur in order that the information remain an effective and useful tool.

All residential service providers, operated and administered either directly or through a contractual relationship as well as those with no relationship with County government, shall be encouraged through the information at their disposal by the establishment of this Clearing House to exercise sound professional judgment in the selection and procurement of group home sites. Community safety, proximity, concentration and client population will be considered in the site selection process.

NEIGHBORHOOD COMMUNICATION RECOMMENDATION

In order to establish a positive relationship, to promote education and communication, it is strongly recommended that each County or Contract Agency operating group home programs in Mecklenburg County implement the following activities:

1. Distribute written or verbal information to neighborhood residents, identifying the following:

   a. Description of agency program and goals.

   b. Listing of contact names and telephone numbers of supervisory personnel.

   c. Description of type of house to be built (if applicable).

2. Host an open house periodically for neighbors, friends, and/or family after residents move into the home. A yearly open house is encouraged thereafter.

3. Encourage group home supervisors/staff to become involved in community/neighborhood activities or associations.

4. Encourage staff to be helpful and courteous to neighbors and to respond positively to neighborhood concerns.

5. Encourage staff/owner to maintain exterior appearance of each group home.

6. Encourage staff to provide positive and visible client supervision.

7. Encourage resident homes (if constructed) to fit the character and quality of the neighborhood.

8. Encourage staff to recruit potential members from the neighborhoods having group homes to serve in a support, advisory, or advocacy role.

9. Encourage each group home to operate satisfactory security for both client and neighborhood safety.