AGENDA

Meeting Type:	B
Date	04-20-1992
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
April 20, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Gary Sawyer of St. Paul Wesleyan Church.

2. Announcements

   Thursday, April 23, 3:30 p.m. - City Council Planning Committee - CMGC Meeting Chamber Conference Room.

   Monday, April 27, 3:00 p.m. - City Council Public Services Committee - CMGC - Room 271.

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

ITEM #1 - OVER

A) Agenda Item No. 3 - Hearing on Petition No. 92-18

   (1) Gary Gloster, 500 East Morehead Street- 334-3097 -- ~~FOR~~ AGAINST
   (2) Miller Jordan, 716 East Boulevard - 377-4300 - FOR
   (3) Jonathan Crotty, 1511 Clayton Drive - 372-9000 - FOR
   (4) Bob Hedrick, 5201 MacAndrew Drive, Matthews - 563-7540 - AGAINST
   (5) Frank Mansfield - Against

B) Agenda Item No. 6 - Hearing on Petition No. 92-21

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

C) Agenda Item No. 7 - Hearing on Petition No. 92-22.

   Several protest petitions have been filed and <u>are sufficient</u> to invoke the 20% rule.

   (1) Fred Bryant, 1850 East Third Street - 333-1680 - AGAINST
   (2) Ken Andrews, 6700 Marston Court - 358-8838 - AGAINST - 12 22, 12 23 + 92 24
   (3) DEL RATCLIFFE - AGAINST

D) Agenda Item No. 8 - Hearing on Petition No. 92-23

   Several protest petitions have been filed and <u>are sufficient</u> to invoke the 20% rule.

   (1) Vickie Houze, 316 Hampton Church Road - 392-0378 - FOR

   (2) Anthony Phifer, 316 Hampton Church Road - 392-0378 - FOR
   M C, Wallace
   (3) Richard Guiney, 6848 Hillswick Drive - 567-9888 - AGAINST

   (4) Robert B. Blythe, 750 BB&T Center - 374-1550 - AGAINST

   (5) David Lee ~~Kenny~~ KINNEY, 6841 Hillswick Drive - 567-9888 - AGAINST

91-76

#1 - BAILEY PATRICK - FOR

#2 - 92-5 Curry

E) Agenda Item No. 9 - Hearing on Petition No. 92-24

Several protest petitions have been filed and one is sufficient, as to the area from B-1 to R-3 only, to invoke the 20% rule.

✓(1) Anita Hart, 401 Tasse Place - 547-9182 - FOR

✓(2) Martha Miller, 9915 Lottie Lane - 548-9339 - FOR

X(3) Robert F. Alexander, Jr. - 3126 Eastburn Road - 553-0520 - AGAINST

✓(4) Lydia A. McNeary, 1436 Queens Road West - 377-6410 - AGAINST

✓(5) Bob Bollinger, 7524 Kilculler Drive - 372-1360 - AGAINST

X(6) Bill Kincaid, 2709 Pineland Place - 554-5019 - AGAINST

X(7) Chet Snow, Jr., 6131 Grove Park Blvd. - 537-4949 - AGAINST

✓(8) James Kirk, 1224 East Mallard Creek Church Road - 549-0876 - AGAINST

CHARLOTTE

Meetings in April '92

APRIL 1 - 3

1, Wednesday

8 30 a m — CIV. RVICE BOARD - CMGC, 7th Floor Conference Room

9 30 a m — CIVI RVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

4 00 p m — CITY NCIL PERSONNEL & FINANCE COMMITTEE - CMGC, Room 119

2, Thursday

9 00 a m — TAXIC REVIEW BOARD/Hearing - Law Enforcement Center, 3rd Floor Conference Room

10 00 a m — PARADE PERMIT COMMITTEE - CMGC, Dept of Transportation, 6th Floor Conference Room

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

THE WEEK OF APRIL 6 - 10

6, Monday

7 30 a m — VISION INITIATING COMMITTEE BREAKFAST (Mayor Vinroot, Commission Chair Rod Autrey & Others) - CMGC, 15th Floor Small Conference Room

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

1 30 p m — PLANNING COMMISSION/Planning 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

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

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

5 00 p m — CHARLOTTE-MECKLENBURG ART COMMISSION/Latta Park Equestrian Center Ad Hoc Art Advisory Committee - CMGC, 8th Floor Conference Room

9, Thursday

2 00 p m — ADVISORY ENERGY COMMISSION - CMGC, Room 119

4 30 p m — CHARLOTTE-MECKLENBURG ART COMMISSION/Criminal Courts/Civil Courts Renovations Ad Hoc Art Advisory Committee - CMGC, 8th Floor Conference Room

10, Friday

12 00 Noon — CONVENTION CENTER GROUNDBREAKING CEREMONY - Convention Center Site, Brevard St near Second St

THE WEEK OF APRIL 13 - 17

13, Monday

12 15 p m — PLANNING COMMISSION/COUNTY COMMISSION - CMGC, Meeting Chamber Conference Room

4 00 p m — CITY COUNCIL COMMUNICATIONS COMMITTEE - CMGC, Second Floor, Public Service & Information Dept Conference Room

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

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

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

7 00 p m — HISTORIC LANDMARKS COMMISSION - Law Bldg , 730 E Trade St , Suite 100

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF April 13 - 17 (Continued)

14, Tuesday

4 00 p m — **AIRPORT ADVISORY COMMITTEE/Workshop** - Charlotte-Douglas International Airport, Main Terminal, Conference A

4 30 p m — **COMMUNITY RELATIONS COMMITTEE** - CMGC, Conference Center

15, Wednesday

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

16, Thursday

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

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

7 30 p m — **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Room 270

THE WEEK OF APRIL 20 - 24

20, Monday

4 00 p 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

21, Tuesday

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

6 00 p m — **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center

6 00 p m — **STORM WATER TASK FORCE** - CMGC, Meeting Chamber Conference Room

23, Thursday

4 30 p m — **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - Charlotte Transit, 901 N Davidson Street

24, Friday

7 30 a m — **PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

APRIL 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 32)

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

28, Tuesday

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

29, Wednesday

7 45 a m — **PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271

9 00 a m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - 2940 First Union Center

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

30, Thursday

7 30 a m — **FIREFIGHTERS RETIREMENT BOARD** - 428 E Fourth St , Suite 205

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

These organizations will not meet in April.
Div of Insurance & Risk Management

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Monday, April 20, 1992

4:45 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Dinner Presentations:
1. Planning Commission Work Program
2. Consolidation

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

Invocation by Rev. Gary Sawyer of St. Paul Wesleyan Church.

ITEM NO.

PUBLIC HEARINGS

Hammond/Wheeler close Hrng unan.

1. (91-76) Hearing on Petition No. ~~92~~-76 by Michael D. Herndon for a change in zoning from O-2 to I-2(CD) for approximately .321 acres located on the southwest corner of Charles Avenue and Yadkin Avenue.

Attachment No. 1

McCrory/Wheeler close Hrng unan.

2. (92-5) Hearing on Petition No. 92-5 by Realfin, Inc. for a change in zoning from Institutional to O-1(CD) for approximately 16.2 acres located on the east side of U. S. 29 at McCullough Drive.

This petition was deferred at the February 17 Meeting.

Attachment No. 2

McCrory/Wheeler close Hrng unan.

3. (92-18) Hearing on Petition No. 92-18 by Dilworth Community Association for a Text Amendment to change the spacing requirements for group homes and to require a Class C buffer from any abutting property located in a residential district.

Attachment No. 3

McCrory/Martin close Hrng unan.

4. (92-19) Hearing on Petition No. 92-19 by Charlotte-Mecklenburg Planning Commission for a Text Amendment with regard to building material sales in the General Business (B-2) district to (1) Permit outside storage of building materials and (2) remove the limitation that only retail sales of building materials will be permitted.

Attachment No. 4

Campbell/Patterson dispense with staff presentation - unan. Patterson/Scarborough close Hrng. - unan.

5. (92-20) Hearing on Petition No. 92-20 by YMCA of Charlotte Mecklenburg/Thomas Arkle, III for a change from R-9MF with a Special Use Permit to O-1(CD) and termination of Special Use Permit for approximately 15.8 acres located on the westerly side of Democracy Drive at Regal Oaks Drive.

Attachment No. 5

Patterson/Hammond Excuse Clodfelter unan. Scarborough/Wheeler close unan.

6. (92-21) Hearing on Petition No. 92-21 by University Research Park for a change in zoning from O-15(CD) and RE-2 to O-1(CD) for approximately 6.62 acres located on the southerly side of West W. T. Harris Boulevard east of Mallard Creek Road.

Attachment No. 6

Patterson/Scarborough close Hrng. unan.

7. (92-22) Hearing on Petition No. 92-22 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-1SCD and B-2 to R-12MF for a site on the north side of U. S. 29 about ½ mile east of University City. (Paradise Valley Golf Course Property) PROTESTS ARE SUFFICIENT. 3

Attachment No. 7

Hammond/Wheeler close Hrng. unan.

8. (92-23) Hearing on Petition No. 92-23 by Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional to R-5 for approximately 70 acres located in Hampton Park, between U. S. 29 and N. C. 49 (University Boulevard) and W. T. Harris Boulevard. PROTESTS ARE SUFFICIENT 6

Attachment No. 8

Patterson/Scarborough Continue to 5/18 unan.

9. (92-24) Hearing on Petition No. 92-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional and B-1 to R-3 for approximately 147 acres located along the east side of U. S. 29 at Mallard Creek Church Road. 3

Attachment No. 9 ONE PROTEST SUFFICIENT ONLY AS TO THE AREA FROM B-1 TO R-3.

#3309 B-40 P. 399 Ord. #1

DECISIONS

McCrory/Campbell App. Option A (see attachment) Unan.

10. (91-75) Decision on Petition No. 91-75 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to restrict the number and location of unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts.

This petition was deferred at the December 17, January 21, February 17 and March 16 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 10.

#3110-2 B-40 P-401

11. Decision on Historic District Overlays.

Hammond/Patterson & Spangler App. Excluding Ward properties 8-1 No-Campbell

A. (91-77) Decision on Petition No. 91-77 by the Charlotte-Mecklenburg Planning Commission for a Historic District overlay in the Dilworth Neighborhood, to expand the existing Dilworth Local Historic District.

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

The Zoning Committee recommends that this petition be approved.

#3111-2 B-40 P 403

Hammond/Wheeler App Residential only

B. (91-78) Decision on Petition No. 91-78 by the Charlotte-Mecklenburg Planning Commission for a Historic District Overlay in the Plaza-Midwood Neighborhood, to establish the Plaza-Midwood Local Historic District.

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

No-Scarborough, Campbell

The Zoning Committee recommends that this petition be approved.

Patterson/McCrory App. Option I

C. If A and B are approved, approval of C will be necessary for additional staffing. This involves changing an Office Assistant IV from 20 hours to 40 hours per week at a cost of $13,965 per year including fringe costs and acquisition of IBM PC XT personal computer, at a one-time cost of approximately $2,500.

There are three options for funding:

Option I:

Delay the overlay request until next fiscal year which would prevent immediate implementation of Historic District Commission Management in these neighborhoods. This would risk improvements being made without review before the effective date of the designation.

Option II:

Develop user fees for partial cost recovery of the operation of the Historic District Commission with fees to be effective July 1, 1992. This would result in eroded support for a program that has a crucial role in the preservation of inner city neighborhoods.

Option III:

The additional personnel costs for FY92 ($2,334 from 5/1 to 6/30/92) could be funded from Council contingency (current balance $7,000). Additional FY93 personnel costs of $13,965 would be included in the Planning Commission budget. The one-time equipment cost of $2,500 would be included in the FY93 budget.

(THESE FIGURES PER PHIL COWHERD ON 4/15/92 2:05 P.M. BRJ)

This option provides the Historic District Commission with the resources necessary to carry out the additional monitoring without causing the existing Historic Districts to suffer under an expanded program. The delay of securing the PC into the next fiscal year could be partially offset by sharing data management resources with the overall Planning Commission staff.

Staff recommends funding with Option III.

Attachment No. 11

12. (92-4) Decision on Petition No. 92-4 by Shady Hills Community Association for a change in zoning from Institutional to R-3 for approximately 28 acres located on the southerly side of N. C. 49 at Carolyn Lane.

#3313-2
B-40
P-406

Patterson/Wheeler app. as recommended unan.

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

The Zoning Committee recommends that this petition be approved in part. (See attached map)

Attachment No. 12

13. (92-11) Decision on Petition No. 92-11 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-1 to R-17MF and R-4 for approximately 165 acres located south of Archdale Drive between I-77 and Old Pineville Road.

Scarborough/Wheeler defer to 5/18 unan.

The Zoning Committee recommends the following action with respect to this petition. (See attached map)

Protest sufficient –

1. Denial of the portion of the petition which includes the approximately 4 acre site located along Old Pineville Road. (the Gibson Smith property).

2. Denial of the portion of the petition which includes the undeveloped tract located in the southern portion of the petition. (the Gellman property).

3. Rezoning of the vacant tract west of the Woodwinds Apartments to R-17MF in lieu of the originally requested R-4 district. (the Portrait Homes property).

4. Rezoning of the remainder of the petition to R-17MF as originally requested.

– PROTESTED- IS SUFFICIENT

Attachment No. 13

14. (92-14) Decision on Petition No. 92-14 by Friendship Baptist Church for a change in zoning from R-4 (R-9) to R-22MF (R-6(MF) for approximately 3.8 acres located on the Northwesterly corner of the intersection of Beatties Ford Road and Fairdale Drive.

3313 B 40 P 408

Patterson/Scarborough unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (92-15) Decision on Petition No. 92-15 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to limit the use of quarries and sanitary landfills to the I-2 category with prescribed conditions.

3314 B 40 P-410

Hammond/Wheeler app unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (92-17) Decision on Petition No. 92-17 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment to limit the number of vehicles associated with a home occupation to two at any given time.

3315 B 40 P 413

Wheeler/Hammond app 2 cars

Subst Campbell/Scarborough app 3 cars carried 6-3 No Hammond, Martin, Wheeler

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. Recommend adoption of a resolution setting public hearings for May 18, 1992, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 92-25 through 92-31 for zoning changes.

B-39 P-27

Patterson/McCrory app excluding 92-28 unan.

REMOVE 92-28- Petitioner wants to withdraw.

Hammond/Wheeler app Planning Work Program 7-2 No Campbell, McCrory

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

92-28 - JULIETTE WILLIAMS

PETITIONER WANTS TO WITHDRAW FROM RESOLUTION FOR NEXT MONTH WILL COME BACK AT A LATER DATE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-76

Petitioner. Michael D. Herndon

Location. Approximately .321 acres located on the southwest corner of Charles Avenue and Yadkin Avenue.

Request: Change from O-2 to I-2(CD).

BACKGROUND

1. Existing Zoning. The subject property is presently zoned O-2. Adjoining properties to the north and east are zoned R-22MF Properties located to the west are zoned I-2 and I-1. Properties to the south are zoned O-2.

2. Existing Land Use. The petitioned property is developed for single family residential purposes. The adjoining lot immediately to the south is developed with a duplex. Adjacent properties to the west are developed with a sheet metal shop and warehouse. Adjoining properties to the north and east across Charles Avenue and Yadkin Avenue are developed with predominantly single family homes with scattered duplexes. Properties to the west and south are developed with a mixture of industrial, commercial, office, and residential uses. The Highland Park Mill is located to the north along Davidson Street.

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 for the area include a potential light rail station and corridor.

   2. Central District Plan (draft). The draft Central District Plan recognizes the existing office zoning and does not envision an expansion of the industrial zoning in the area. The plan recognizes that the R-22MF zoned properties have developed with predominantly single family uses and recommends those properties be rezoned to R-5.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from the O-2 category to I-2(CD) to accommodate a 6,800 square foot building expansion. The plan allows the expansion area to be devoted to a sheet metal fabrication facility or any use allowed in the I-1 district. Access to the property is provided by one driveway connection to Charles Avenue and two driveway connections to Yadkin Avenue. The site plan indicates a 30 foot buffer along the southerly project edge adjoining the duplex to the south. This buffer will include a six foot concrete block wall extending to a potential chain link fence along Yadkin Avenue.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-3	I-1 to I-2	Denied	01/24/72
2. 72-48	R-6MF to I-2	Approved	09/25/72
3. 73-24	O-6 to I-2	AIP	08/27/73
4. 76-49	O-6 to I-1	Denied	07/12/76

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from an office category to conditional general industrial to allow a 6,800 square foot building to be used as a sheet metal fabrication facility or any use allowed in the I-1 district. The pending Central District Plan recognizes the existing office zoning but does not recognize the potential for creation of additional industrial zoning. Therefore, this petition is not consistent with pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff discussed this application prior to its submittal. Staff discouraged the submittal of the petition due to the pending Central District Plan recommendation. Staff also relayed site plan comments to the petitioner and those comments have resulted in the submittal a much revised site plan. The revised site plan indicates compliance with minimum standards of the zoning ordinance, tree ordinance, and driveway regulations.

   2. Departmental Comments. The numerous departmental comments and concerns raised by the initial site plan have been addressed by the submittal of an extensively revised site plan.

ISSUES

1. Land Use. This petition proposes rezoning from office to general industrial in an area in which the pending district plan recognizes the existing office zoning but does not encourage the creation of additional industrial zoning or land uses. The district plan also recognizes the need for corrective rezoning on adjoining properties which are zoned for multi-family purposes but predominantly developed with single family housing. The district

plan recognizes the existing office zoning as a more appropriate transition between the industrial uses associated with Davidson Street and the predominately single family residential uses located along Yadkin Avenue, Alexander Street, and Pinckney Avenue. Therefore, this petition is not considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes a 6,800 square foot facility to be used as either a sheet metal fabrication facility or any use associated with the I-1 district. The many site plan issues noted by staff have been addressed by the submittal of an extensively revised site plan which now meets minimum ordinance standards.

CONCLUSION

This petition is not considered appropriate for approval due to its inconsistency with the pending Central District Plan.

*Subject to further refinement following public hearing.

Mat.

Development Data

Existing Zoning	O-6
Proposed Zoning	I-2(CD)
Site Area	0.321 Ac.
Required Parking	2 Spaces
Parking Provided	2 Spaces
Truck Unloading Space	1 (10'x50')

Project Manager	GEA
Drawn By	TPM
Checked By	GEA
Date	2-25-92
Project Number	92007\REZONEB

Revisions

1.) 3-26-92 Revisions per Planning Commision and CDOT rev

Development Criteria

1. The rezoning area may be devoted to the following uses:

   A. Sheet metal fabrications facility; or

   B. Any other use allowed in the I-1 district.

2. The building expansion may not exceed 6800 gross square feet in area.

3. Since this plan contemplates the expansion of an existing facility, the entire facility including the expansion will comply with the City's Driveway Regulations.

4. Current use of the adjacent office zoned property south of the site is residential which requires a 40' wide Class "A" buffer. Based upon the actual use of the adjoining property at the time of the building permit application, this buffer may be reduced in accordance with the provisions of Part 3 of Chapter 12 of the Charlotte Zoning Ordinance which regulates buffers and screening, including the right to reduce the width of the buffer by installing a wall or fence.

   The building envelope may be expanded to the northern edge of the buffer which is ultimately required. Tree and shrub types and sizes shall meet all the planting requirements of Part 3 of Chapter 12 of the City Zoning Ordinance.

5. The chain link fence shown on this plan is for security purposes only and may be deleted, increased, or relocated as needed in accordance with the City Zoning Ordinance.

6. The orientation of the 10 foot by 50 foot truck unloading space and forklift landing may shift due to the final building location and the requirements for grading.

7. Currently there are two small residential units situated within the rezoning area. Applicant reserves the right to continue using these units for residential purposes until such time as construction is commenced on expanded facility in accordance with the provisions of Chapter 7 of the City Zoning Ordinance.

8. Off street parking provided within the rezoning area will meet the minimum standards established under the City Zoning Ordinance. Parking may take place inside or outside the building envelope.

9. All Tree Ordinance landscaping will meet or exceed the requirements of the City Tree Ordinances (Chapter 21 City Code). Plant materials will be subject to review by Urban Forestry staff.

LAW OFFICES
PERRY PATRICK, FARMER & MICHAUX
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TELEPHONE (919) 787 8812
FACSIMILE (919) 787 3312

STATEMENT IN RESPONSE TO THE STAFF'S ANALYSIS OF REZONING PETITION NO. 91-76

TO: MEMBERS OF THE CHARLOTTE CITY COUNCIL AND THE ZONING COMMITTEE OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION

FROM: BAILEY PATRICK, JR.

DATE: APRIL 7, 1992

RE: REZONING PETITION NO. 91-76

PETITIONERS: FOUNTAIN DOAK HERNDON AND MICHAEL D. HERNDON, THE OWNERS OF ALLIED SHEET METAL WORKS, INC. ("ALLIED SHEET METAL")

PRESENT ZONING: O-2

PROPOSED ZONING: I-2(CD) TO ACCOMMODATE A LIMITED EXPANSION OF ALLIED SHEET METAL WORKS, INC.'S EXISTING FABRICATION FACILITY

PROPERTY INVOLVED: A .321 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF CHARLES AVENUE AND YADKIN AVENUE (THE "SITE")

The Petitioners, Fountain Doak Herndon and Michael D. Herndon, are the owners of Allied Sheet Metal Works, Inc., a Charlotte firm which was founded in 1952 ("Allied Sheet Metal").

Allied Sheet Metal originally conducted its business in a building located at 222 South Myers Street. In 1959, this building was condemned to accommodate construction of the present County Office Building. Thereafter, the Company relocated to an industrial area at 2616 North Davidson Street.

However, it was forced to relocate again by reason of a condemnation to accommodate the widening of Matheson Avenue and the construction of the Brodie Griffith Bridge which connects the Plaza and North Tryon Street. Fountain Doak Herndon then purchased property at 612 Charles Avenue (which is zoned I-2) and Allied Sheet Metal moved to this location in 1968. The Charles Avenue location, while adequate to accommodate the Company's needs at that time, was not large enough to accommodate any expansion. When it became obvious in 1973 that Allied Sheet Metal's expansion needs could not be accommodated, Michael Herndon purchased three lots which were adjacent to the Company's 612 Charles Avenue business location.

Over the years, Allied Sheet Metal has become a well respected custom sheet metal fabricator doing business primarily for the textile, synthetic fiber, food service and material handling industries. The Company has expanded twice onto the adjoining lots and invested heavily in the latest state-of-the-art equipment. To continue its growth and to relieve increasingly crowded conditions, it is imperative that the Site which was acquired by Allied Sheet Metal's owners for its expansion be rezoned to an I-2(CD) category.

The proposed use will have no adverse impact on adjoining properties, given the fact that the Site would only be used to accommodate a limited (6,800 square feet) expansion of Allied Sheet Metal's present facilities to provide needed additional shop and warehousing space.

The proposed use is not traffic intensive. Indeed, as noted by CDOT, the Site under present zoning could generate approximately 135 trips per day and is not expected under its proposed use to generate more than 10 trips per day.

The Petitioners have gone to great expense to produce a Site Plan that satisfies the requirements imposed under the City's new Zoning Ordinance, particularly the buffer requirements.

While Staff does not consider this Petition appropriate for approval due to its inconsistency with the Draft Central District Plan, it is respectfully submitted that under all the circumstances, equity and fairness would be served without any harm to the surrounding properties if Allied Sheet Metal were allowed to expand its facilities in the limited fashion sought. The only I-2 use which the Conditional Plan would allow to be located on the Site is a sheet metal fabrications

facility. Any other use would be governed by the uses allowed in an I-1 District.

Given its current and future needs, if this Rezoning Petition is not allowed, Allied Sheet Metal will be required to relocate for yet a third time. The past two occasions have accommodated the needs of the general public and it is respectfully submitted that under these circumstances this Rezoning Petition, which will accommodate a very limited expansion of Allied Sheet Metal's present facilities, should be received favorably by the City Council and the Planning Commission.

For the foregoing reasons, I am most hopeful that the Zoning Committee and the City Council will act favorably on this Petition.

Respectfully submitted this 7th day of April, 1992.

Bailey Patrick, Jr.

BPJr/gb/971

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-76
Date Filed October 14, 1991
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner	Michael D. Herndon	Fountain Doak Herndon and Wife
Owner's Address	16333 Terry Lane Huntersville, NC 28078	3910 Havenwood Road Charlotte, NC 28205
Date Property Acquired	May, 1973	1968
Tax Parcel Number	083-066-09, 083-066-10 and 083-066-11	083-066-01 and 083-066-12

Location of Property (address or description) 612, 620 and 624 Charles Avenue, Charlotte, North Carolina 28205.

Description of Property ~~Parcels 083-066-01 and 083-066-12 = .4505 a~~
Parcels 083-066-09 and 083-066-10 = .321 acres
~~Parcel 083-066-11 = .213 acres~~
Size (Sq. Ft.-Acres) _____ Street Frontage (ft.) 384.22' Charles Ave., 140' Yadkin

Current Land Use 083-066-09 and 083-066-10 Residential - Rental Property; ~~083-066-11, 083-06~~
~~and 083-066-12 for business operation excluding sheet metal shop and warehouse.~~

Zoning Request
Parcels 083-066-09 and 083-066-10 = O-2
~~Parcels 083-066-01, 083-066-11 & 083-066-12 = I-2~~
Existing Zoning _____ Requested Zoning Conditional Use Distri
Rezoning to I-2 (CD)

Purpose of Zoning Change For expansion purposes to the current business presently zoned I-2 by adding Parcels 083-066-09 and 083-066-10 adjacent so that a 6,000 square foot warehouse an shop building may be added on to the present business and contiguous building located on 083-066-11. This will afford a desperate need to allow this business to continue to exist and expand. By allowing this rezoning, the business should be able to expand and continue to thrive in a competitive market. Relocation costs for this business would be prohibitiv

Louis A. Bledsoe, Jr., Attorney at Law	Michael D. Herndon
Name of Agent	Name of Petitioner(s)
1057 E. Morehead St. Charlotte, NC 28204	16333 Terry Lane, Huntersville, NC 2
Agent's Address	Address of Petitioner(s)
(704) 372-1676	(704) 376-8469
Telephone Number	Telephone Number
Fountain Doak Herndon (Fountain Doak Herndon) 3910 Havenwood Road Charlotte NC 28205 (704) 376-8469	Fountain Doak Herndon Michael D. Herndon Signature
	Signature of Property Owner if Other Than Petitioner

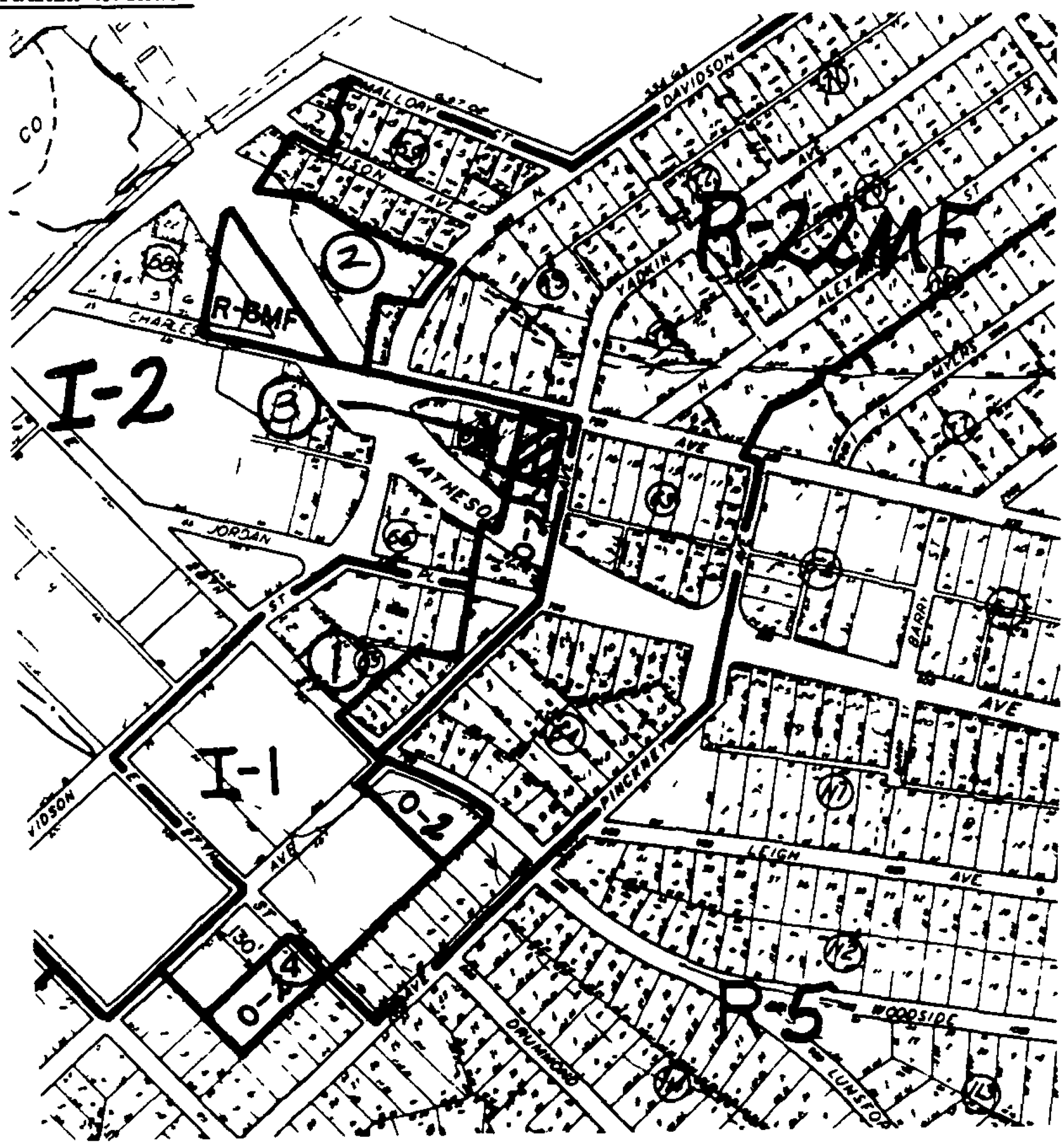
PETITIONER: Michael D. Herndon

PETITION NO.: 91-76 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: O-2

ZONING CLASSIFICATION, REQUESTED: I-2(CD)

LOCATION: Approximately .321 acres located on the southwest corner of Charles Avenu and Yadkin Avenue.



ZONING MAP NO(s).: 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-5

Petitioner: Realfin, Inc.

Location: Approximately 16.2 acres located on the east side of U.S. 29 at McCullough Drive.

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

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned Institutional as is much of the property to the south and east. Property located immediately to the north is zoned O-15(CD) as a result of a 1989 rezoning petition. Further to the north is a site zoned I-2(CD) and additional properties zoned Institutional. To the south along U.S. 29, properties are zoned a combination of Institutional, O-2 (O-9), and B-2.

2. Existing Land Use. The property involved with this request is presently undeveloped. Properties to the south are occupied by single family residences, a motel, and a church. To the north of the petitioned property is the Homewood Suites Hotel. Properties across U.S. 29 are developing with office uses while properties to the north along U.S. 29 are developed with a mixture of business, office, and institutional uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates employment type land uses in the area of the subject property and recognizes University Place as a major mixed use center and UNCC as a major institutional use. The 2005 strategies include extension of water lines in the area and improvements to Harris Boulevard which have now been completed.

   2. UNCC District Plan (adopted October, 1984). The UNCC District Plan envisions development associated with UNCC in the area of the subject property including office and multi-family uses.

   3. Hampton Park Special Project Plan (approved September, 1987). The Hampton Park Special Project Plan recognizes that Hampton Park is a predominantly black, low-income community consisting of approximately 113 acres with approximately 46 residences. The special project plan contains a series of recommendations aimed at improving the quality of life for the residents by improving housing conditions, improving the condition of existing roads and providing water and sewer to the community where economically feasible. The plan does not, however, provide a specific land use recommendation with respect to the petitioned property.

4. Northeast District Plan (adopted June, 1990). The Northeast District Plan recommends the petitioned site be developed with office or multi-family uses and recognizes University Place as the focus for retail activities in the area. Just recently Council directed staff to follow through on a series of Northeast District Plan-based rezonings in the area of the subject property. Those upcoming rezonings include requests for changes from Institutional to single family residential for the Hampton Park neighborhood and a multi-family residential/office combination for the petitioned site. The purpose of these rezonings is to provide for the preservation of the Hampton Park neighborhood by rezoning to single family and to allow limited office uses with residential development adjacent to Hampton Park on the subject property. (The plan-based rezoning involving the petitioned site will not be initiated if the petition which is currently pending is approved.

4. Site Plan. The site plan which accompanies this application proposes the development of a 247,500 square foot office park with all uses allowed in the O-1 zoning district. The plan indicates access to the property will be provided through one full-movement driveway connection to Highway 29 via a proposed median cut and provides buffers of 75 feet in width with landscaping in accordance with the zoning ordinance adjacent to residential properties in the Hampton Park neighborhood. The plan indicates a maximum building height of 40 feet (4 stories) and a maximum floor area ratio of .41. Notes on the plan indicate that screening requirements will be met, the tree ordinance requirements will be met or exceeded, and that storm water detention is anticipated to occur as surface storage in parking lots or on-site storage ponds.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	74-38(c)	Inst. to B-2	Approved	01/06/75
2.	77-16(c)	Inst. to I-2(CD)	Approved	06/06/77
3.	88-17(c)	RE-1 to O-15(CD), B-1(CD), & B-D(CD)	Approved	07/20/88
4.	88-18(c)	RE-1 to O-15(CD)	Approved	07/20/88
5.	88-32(c)	RE-1 to O-15(CD)	Approved	09/19/88
6.	89-12(c)	Inst. to O-15(CD)	Approved	05/15/89
7.	89-43(c)	Inst. to B-1SCD	Denied	12/18/89

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning of properties from the Institutional category to a conditional office district to allow the development of a large office park. The UNCC District Plan indicates that the site should be used for uses to support UNCC with office and multi-family uses as consistent with that objective. The 2005 Plan indicates that this property fits within an employment type category and the Northeast District Plan indicates office and multi-family residential uses as appropriate. Therefore, the office classification could be considered consistent from a land use standpoint with publicly adopted plans in effect as far back as 1984. It should be noted, however, that the proposal at hand involves purely office uses while recent Council discussions have involved a multi-family/ office combination.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner originally discussed a potential commercial rezoning request which staff strongly discouraged. Subsequently, the petitioner submitted a request for an office classification and staff relayed a number of site plan comments to the petitioner. Staff has not discussed the potential for incorporation of a multi-family component into the development with the petitioner.

   2. Departmental Comments. CDOT indicates that the proposed development could generate approximately 4,150 trips per day. (The existing trips have not been calculated due to the existing Institutional zoning and the wide variety of possible land uses.) CDOT indicates the previously requested traffic impact study has not been received. The traffic study must address the need for the proposed median opening and the related left turn lane on North Tryon Street. If the median opening is approved by CDOT and NCDOT it must be designed to the appropriate standards (a minimum of 150 feet of storage in both directions unless more is required as identified in the traffic impact study on North Tryon Street with 20 : 1 bay tapers and 45 : 1 through lane tapers). If approved by CDOT and NCDOT, the developer/petitioner would be responsible for the engineering design and construction of the median opening and left turn lanes. The revised site plan does not adequately reflect the existing signalized intersection of McCullough Drive and North Tryon Street. The plan must be revised to clearly show the existing median opening, turn lanes, associated tapers, and laneage for this intersection. Other outstanding site plan issues include the need for a maximum square footage for the proposed outparcel and removal of parking and buildings from the proposed 40 foot landscaped

buffer along the frontage of Highway 29. All of these items must be resolved by the petitioner prior to the ultimate decision on this petition.

ISSUES

1. Land Use. This petition seeks rezoning from the Institutional category to a conditional office classification to accommodate a large office park in an area in which publicly adopted plans envision office or multi-family type land uses. The immediately adjoining tract located to the north was similarly rezoned in 1989 under the County's jurisdiction and is now the site of the Homewood Suites Hotel. Therefore, the petition at hand is considered consistent with publicly adopted plans and policies for this portion of the community. However, the ultimate analysis of this petition should consider whether a multi-family development or a combination multi-family/office development in this location might be preferable to a pure office park in terms of providing the best possible relationship to the Hampton Park neighborhood in terms of scale and density of development.

2. Site Plan. The site plan which accompanies this petition proposes a 247,500 square foot office park development and allows all uses permitted in the O-1 zoning district. The plan provides 75 foot landscaped buffers adjoining the Hampton Park neighborhood and a 40 foot landscaped buffer along Highway 29. There are several outstanding site plan issues which must be remedied by the petitioner prior to the ultimate decision on this request. Those issues include the need for removal of parking and building from the proposed 40 foot landscaped buffer along Highway 29, a maximum square footage on the proposed bank outparcel, and submission of a traffic impact study to CDOT and adequate resolution of any issues identified by the study. From a site plan standpoint, the petition is not considered appropriate for approval until those issues are resolved.

CONCLUSION

This petition requests rezoning to an office category in an area in which publicly adopted plans envision multi-family or office development. Therefore, while this petition is consistent with publicly adopted plans from a land use standpoint, a multi-family development or combination office/multi-family development may provide some advantages over a pure office park development in terms of compatibility of scales and intensity of development to the Hampton Park neighborhood.

*Subject to further refinement following public hearing.

Development Data

Parcel Location:	8724 & 8816 North Tryon Street Block 47 Parcel 331 Crab Orchard Township Mecklenburg County, NC
Site Area:	16.199 Acres
Existing Zoning:	Institutional
Proposed Zoning:	O-1 (CD)
Proposed Uses:	Office Park (All uses allowed in O-1 Zoning)
Total Building Area:	247,500 Sq. Ft. (excluding bank site)
Parking:	Meet or exceed the Minimum Required by the City of Charlotte Zoning Ordinance

General Notes:

1. Maximum building height is 4 stories (40').
2. Boundary information dated 10/23/91 by E.S.P. Associates - Joseph Bruno, Jr. NCRLS #3315. Topographic information from City of Charlotte Topo Map.
3. Screening shall meet or exceed ordinance requirements.
4. Accessory structures normally associated with office development will be permitted outside of building limits in accordance with applicable ordinance standards.
5. This site plan is intended to show only general development character. Minor adjustments in building and parking lot size and arrangement will be permitted to accommodate final architectural designs and to adjust to site features. Building footprints shall be contained within "Building Area" boundaries.
6. Requirements of the tree ordinance will be met or exceeded.
7. Site construction will meet all requirements of the subdivision ordinance.
8. Stormwater detention requirements will be met. It is anticipated that it will occur as surface storage in parking lots or on-site storage ponds.
9. Fire hydrants will be required on site.
10. Maximum FAR is .41.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-3
Date Filed December 9, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: THE ESTATE of ADA Caroline Pendleton

Owner's Address: 2051 EDGEWATER DR 28210

Date Property Acquired:

Tax Parcel Number: 049-331-03

Location of Property (address or description): 8724 AND 8816 NO. TRYON

Description of Property

Size (Sq. Ft.-Acres): 16.2 AC Street Frontage (ft.): 835 LF

Current Land Use: FARM LAND

Zoning Request

Existing Zoning: INSTUTITIONAL Requested Zoning: O-1(CD)

Purpose of Zoning Change: the development of a planned office park

Name of Agent: Jamie Bryant, Worsle Group

Agent's Address: 3300 1st Union Center Char. NC. 28202

Telephone Number: ~~704 337-64~~ 704 331-4905

Name of Petitioner(s): REALTIN Inc

Address of Petitioner(s): 625 Ferncliff Rd Atlanta GA 303

Telephone Number: 404-237-6430

Ron P Imig

Signature

Joy G. Pendleton

Signature of Property Owner

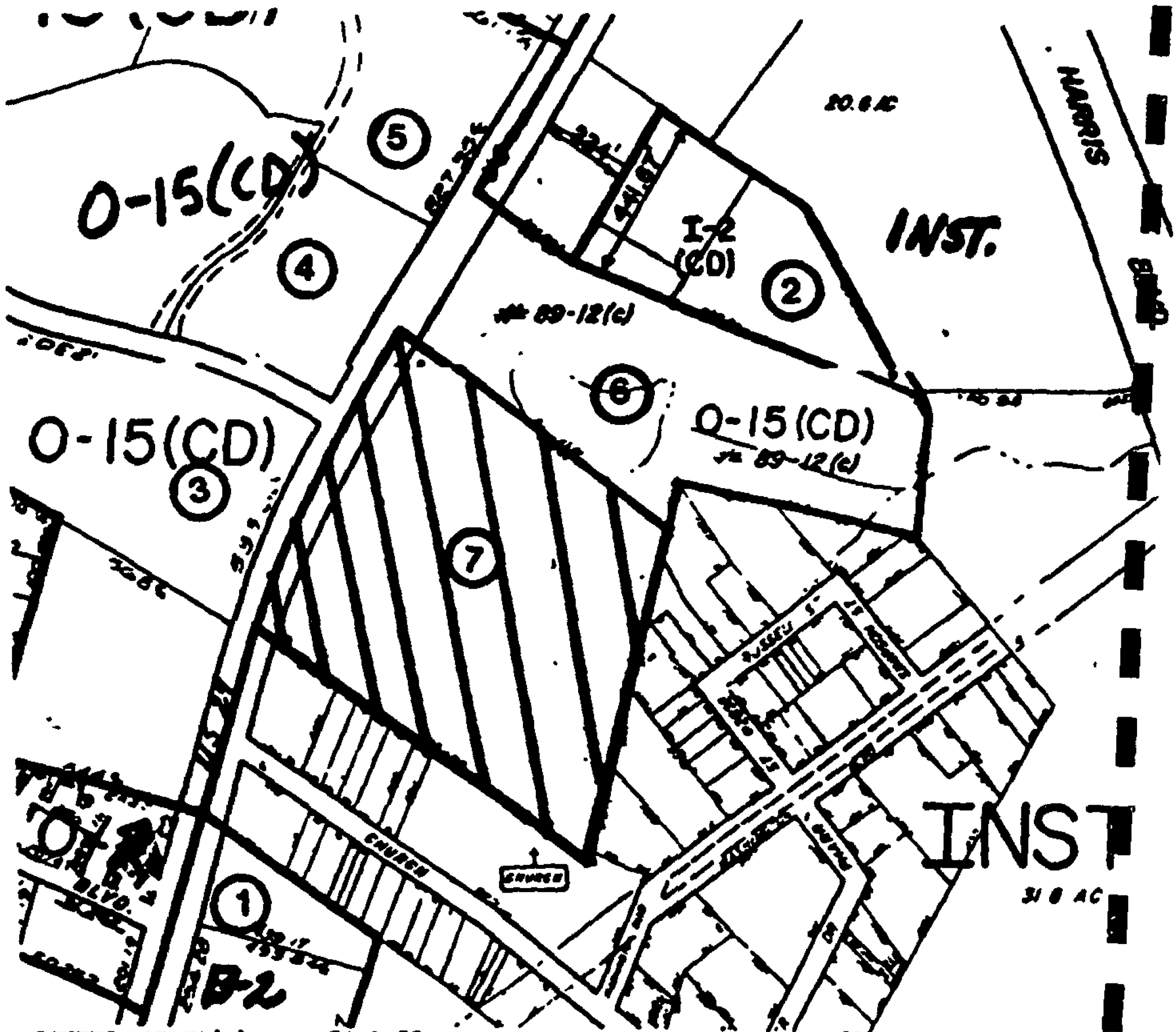
X Other Than Petitioner

PETITIONER: Realfin, Inc.

PETITION NO.: 92-5 HEARING DATE: February 17, 1992

ZONING CLASSIFICATION, EXISTING: Institutional REQUESTED: O-1

LOCATION: Approximately 16.2 acres located on the east side of U.S. 29 at McCullough Drive.



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-18

Petitioner: Dilworth Community Development Association.

Request Text amendment to change the spacing requirements for group homes and to require a Class C buffer from any abutting property located in a residential district.

BACKGROUND

Recently there has been a considerable amount of community concern expressed in relation to the location of group homes. These issues have been partially addressed through a County Zoning Ordinance text amendment with further refinement still under consideration. The Planning Commission's Zoning Committee has discussed these issues at length on several occasions and has deferred the matter for further discussion.

CONCLUSION

It is recommended that this petition be deferred until these issues are resolved through the Zoning Committee.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-18

Date Filed February 3, 1992

Received By MCH

OFFICE USE ONLY

Section No 9.203, 9.303, 9.502, 9.503, 9.702, 9.703, 9.802, 9.803 and §12.517

(Title)

Purpose of Change

To eliminate a loophole in the existing spacing requirements for group homes in residential districts. This text amendment will extend those spacing requirements to protect neighborhoods such as Dilworth where large numbers of group homes in nonresidential zoning districts directly abutt residential areas. This amendment will require uniform spacing of group homes in these sensitive areas. The amendments also call for minimal Class C buffers between large group homes and residential uses in all relevant districts

Jonathan M. Crotty

Name of Agent

1511 Clayton Drive, Charlotte, NC 28203

Agent's Address

372-9000 (W) 343-9873 (H)

Telephone Number

Dilworth Community Development Associat

Name of Petitioner(s)

1214 Myrtle Avenue 28203

Address of Petitioner(s)

Miller Jordan-President 377-4300

Telephone Number (Authorized Board Member)

Signature

Petition No.: 92-18
Petitioner: Dilworth Community Development Association

A RESOLUTION AMENDING APPENDIX A OF THE CITY OF CHARLOTTE ZONING ORDINANCE

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

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

1. Amend Section 9.203 by deleting item (10) in its entirety, replacing it as follows:

   10. Group homes for up to 6 clients subject to the regulations in Section 12.517.

2. Amend Section 9.303 by deleting item (13) in its entirety, replacing it as follows:

   13. Group homes for up to 10 clients subject to the regulations in Section 12.517.

3. Amend Section 9.502 by deleting item (8) in its entirety.

4. Amend Section 9.503 by adding a new item (23) as follows:

   23. Group homes subject to the regulations in Section 12.517.

5. Amend Section 9.702 by deleting item (15) in its entirety.

6. Amend Section 9.703 by adding a new item (31) as follows:

   31. Group homes subject to the regulations in Section 12.517.

7. Amend Section 9.802 by deleting item (43) in its entirety.

8. Amend Section 9.803 by adding a new item (36) as follows:

   36. Group homes for up to 6 clients subject to the regulations in Section 12.517. (B-1 & B-2 only)

9. Amend Section 12.5 by adding a new Section 12.517 as follows:

Section 12.517. Group Homes

This ordinance provides for the location of group homes in a variety of residential and non-residential districts. However, the public has an interest in providing for the appropriate location and design of group homes that are proposed in or near residential areas to assure a proper integration of these uses into the existing community. Accordingly, the following standards apply to the location of group homes.

1. Location Criteria. The following 2 part test must be met for the proposed location of a group home.

   If the proposed site is located in or within one quarter mile of a residentially zoned area and if the proposed site is within one quarter mile of any other existing group home, no matter what district the existing group home is located in, then the proposed site is not acceptable for a group home.

2. Buffer. Group Homes serving more than 6 persons shall be separated by a Class C buffer from any abutting property located in a residential district.

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 _____, 199___, the reference having been made in Minute Book _____ and recorded in full in Ordinance Book ____, at page _____.

_____

City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-19

Petitioner: Charlotte-Mecklenburg Planning Commission

Request. Text amendment regarding building material sales in the General Business (B-2) district to:

1. Permit outside storage of building materials and,
2. Remove the limitation that only retail sales of building materials will be permitted.

BACKGROUND

A problem was encountered resulting from the North Tryon Street Corridor Plan in the proposal to rezone a building material sales operation from General Industrial (I-2) to General Business (B-2). The revised zoning ordinance permits this use in a B-2 district subject to the following prescribed conditions:

1. All portions of the business including the storage of all materials must be housed within a completely enclosed building; and

2. Only retail sales of building materials will be permitted. For the purpose of this section this means that only sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited. (Emphasis added).

It is recognized that this type of business operation generally has outside storage and frequently places various materials outside for display. Also, these businesses usually sell to contractors at a reduced or "wholesale" price. Both practices are common characteristics of building material sales and create an enforcement problem to the Building Standards Department under the current ordinance restrictions.

Therefore, a text amendment is proposed to permit building material sales in the General Business, B-2 district (not B-1) with the following prescribed conditions:

1. No outside storage shall be located within the required setback or within any required side yard.

2. Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.

3. Within any outside storage area, material shall be stacked no higher than the height of the screening.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-19

Date Filed February 3, 1992

Received By DMCM

OFFICE USE ONLY

Section No 9.803 Uses permitted under prescribed conditions, (4) Building material sales, (B-2 only)

(Title)

Purpose of Change

(1) To permit outside storage of building materials, if screening is provided, and

(2) To remove the limitation that only retail sales of building materials will be permitt

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commis

Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC 282(

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

DRAFT

ORDINANCE NO. _____

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

AN ORDINANCE AMENDMENTS 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 9.803. Uses permitted under prescribed conditions, (4) by deleting the following wording:

(4) Building material sales, retail (B-2 only), provided that:

(a) All portions of the business including the storage of all materials must be housed within a completely enclosed building; and

(b) Only retail sales of building materials will be permitted. For the purpose of this section this means the only sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

and replacing it with the following:

(4) Building material sales, (B-2 only), provided that:

(a) No outside storage shall be located within the required setback or within any required side yard.

(b) Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.

(c) Within any outside storage area material shall be stacked no higher than the height of the screening.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-20

Petitioner: YMCA of Charlotte Mecklenburg/Thomas Arkle, III

Location· Approximately 15.8 acres located on the westerly side of Democracy Drive at Regal Oaks Drive.

Request Change from R-9MF with a special use permit to O-1(CD) and termination of special use permit.

NOTE: This petition involves a two part request. The entire 15.81 acre site is proposed for termination of the existing special use permit. A portion of the total site (.737 acres) is also proposed for rezoning to O-1(CD). The proposed SUP termination is a minor special use permit and is, therefore, decided by the Special Use Permit Board. The proposed rezoning requires City Council approval.

BACKGROUND

1. Existing Zoning. The subject property is zoned R-9MF with a special use permit as a result of a 1978 petition to allow the development of the existing YMCA. Surrounding properties are zoned a combination of single family residential, multi-family residential, office, and commercial classifications. Properties just to the south are zoned single family residential. Properties to the east and west are zoned multi-family residential. Properties to the north along Albemarle Road are zoned a combination of office and commercial classifications.

2. Existing Land Use. The subject property is the site of a YMCA branch. Albemarle Road Elementary and Junior High schools are located to the east. A multi-family development is located to the west and single family development is located to the south. Properties along Albemarle Road are developed with a variety of uses including a church, multi-family residential, office, and commercial uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses along the Albemarle Road Corridor and recognizes existing residential land uses to the north and south of Albemarle Road. The plan recognizes the intersection of Albemarle Road and Harris Boulevard as a community commercial center. Strategies for the area include the widening of Harris Boulevard and Albemarle Road east of Harris Boulevard and the Campbell Creek Greenway.

2. East District Plan. The East District Plan recognizes the existing YMCA on the subject property. The plan also recognizes the intersection of Harris Boulevard and Albemarle Road as a community commercial center.

3. Albemarle Road Small Area Plan. The Albemarle Road Small Area Plan recognizes the opportunity for a mixture of office and residential land uses in the area of the subject property if the properties are developed in a coordinated manner.

4. Site Plan. The site plan which accompanies this request recognizes the existing YMCA and proposes the development of a 7,000 square foot, two story medical office building with vehicular access from Democracy Drive. The site plan indicates a 30 foot building and parking setback along Democracy Drive and a 14 foot landscaped buffer along the other project edges.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-68	R-9MF to B-1SCD	Approved	Superseded
2. 67-88	R-6MF & R-12MF to O-6	Approved	01/08/67
3. 71-77	B-1, O-6, R-9, R-9MF to B-2 & O-15	Approved	10/27/71
4. 71-78	R-9MF to B-2	Approved	10/27/71
5. 76-63	B-1SCD to B-1SCD Site Plan Amendment	Approved	12/20/76
6. 78-53	R-9MF to Special Use Permit	Approved	12/11/78
7. 79-26	O-15 & R-12MF to O-15(CD)	Approved	07/16/79
8. 79-51	B-1SCD to B-1SCD Site Plan Amendment	Approved	12/17/79
9. 84-57	B-1SCD Site Plan Amendment to B-1SCD Site Plan Amendment	Approved	10/15/84
10. 86-120	B-1SCD to B-1SCD Site Plan Amendment	Approved	02/23/88

7. Neighborhood. This petition falls within the Idlewild Farms neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning to allow the development of an office building and recognizes the existing YMCA branch facility. The district plan recognizes the existing YMCA facility and a mixture of multi-family and office development

nearby. Therefore, this petition is consistent with plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff discussed the application prior to submittal. Staff relayed several minor site plan comments to the petitioner which have now been addressed by the revised site plan.

   2. Departmental Comments. The minor departmental comments regarding the site plan have been addressed by the revised site plan.

ISSUES

1. Land Use. This petition proposes rezoning from multi-family residential to conditional office and termination of an existing SUP in an area in which the adopted district plan recognizes the existing YMCA facility and the adjacent schools as major institutional uses and a mixture of residential and office uses nearby. Therefore, this petition is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes a 7,000 square foot medical office adjacent to the existing YMCA branch. The minor site plan issues noted by staff have been addressed by the submittal of a revised site plan. Therefore, this petition is considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

SECTION 9.303 - USES PERMITTED UNDER PRESCRIBED CONDITIONS:

(7) Civic, social service and fraternal facilities, provided that:

(a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);

(b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare, and

(c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

PETITIONER FOR TERMINATION OF SPECIAL USE PERMIT:

YMCA CHARLOTTE MECKLENBURG
500 E. MOREHEAD STREET, SUITE
CHARLOTTE, NC 28202

REQUEST FOR TERMINATION OF A SPECIAL USE PERMIT

EXISTING CONDITIONS PLAN (SHEET 1 OF 2)

SIMMONS BRANCH YMCA

6824 DEMOCRACY DRIVE
CHARLOTTE, NC 28212

1" = 40'

SITE DATA:

TOTAL TERMINATION REQUEST PARCEL : 15.815 ACRES

O-1 (CD) REQUEST PARCEL : .737 ACRES

REMAINING R17MF PARCEL (YMCA) : 15.078 ACRES

GENERAL NOTES:

1 THE REASON FOR THIS REQUEST FOR TERMINATION LIES WITH THE FACT THAT THE SPECIAL USE PERMIT PROCESS HAS BEEN ELIMINATED FROM THE NEW CITY OF CHARLOTTE ZONING ORDINANCE WHICH WENT INTO EFFECT JANUARY 1, 1992 THE UNDERLYING R-17 MF DISTRICT UNDER THE NEW ORDINANCE, WILL ALLOW THE EXISTING YMCA USE AS A PERMITTED USE UNDER PRESCRIBED CONDITIONS.

2 THE CURRENT YMCA USE APPEARS TO COMPLY WITH THE STANDARDS OF THE UNDERLYING R-17 MF ZONING DISTRICT. IT IS THE INTENTION OF THE YMCA TO COMPLY WITH THOSE STANDARDS VIA THE NORMAL BUILDING PERMIT PROCESS FOR FUTURE DEVELOPMENT PHASES ASSOCIATED WITH THE YMCA USE

3. THIS PLAN REPRESENTS THE APPROXIMATE LOCATION OF EXISTING SITE AND BUILDING FEATURES AND IMPROVEMENTS. THIS IS NOT AN AS-BUILT SURVEY.

4 THE DEVELOPMENT ASSOCIATED WITH THIS REQUEST WILL COMPLY WITH THE REQUIREMENTS OF THE CITY OF CHARLOTTE TREE ORDINANCE THE TREE ORDINANCE PLAN WILL IDENTIFY EXISTING TREES AND WILL ADDRESS MEASURES FOR TREE PROTECTION FOR LOCATED IN THE CITY RIGHT-OF-WAY AND IN THE SETBACK AREA THE LANDSCAPE PLAN WILL INCORPORATE EXISTING TREES INTO THE OVERALL LANDSCAPE DESIGN FOR THIS PARCEL

5 THE EXISTING SOUTHERN DRIVE THAT IS CURRENTLY BARRICADED WILL BE PERMANENTLY CLOSED AND THE TRASH DUMPSTER RELOCATED TO THE INTERIOR OF THE PROPERTY AND SCREENED PER ORDINANCE REQUIREMENT THE REMAINING EXISTING DRIVE WILL BE RECONSTRUCTED TO MEET CITY OF CHARLOTTE STANDARDS ANY PROPOSED OR REBUILT DRIVEWAY CONNECTIONS TO DEMOCRACY DRIVE/REGAL OAKS DRIVE WILL REQUIRE A DRIVEWAY PERMIT SUBMITTED TO THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (C D O T) FOR REVIEW AND APPROVAL THE EXACT LOCATION AND TYPE/WIDTH OF THE DRIVEWAY WILL BE DETERMINED BY C D O T DURING THE DRIVEWAY PERMIT PROCESS ALL DRIVEWAY CONNECTIONS WILL ADHERE TO ADEQUATE SITE DISTANCE CRITERIA

6 UPON TERMINATION OF THE SPECIAL USE PERMIT, ALL FUTURE DEVELOPMENT ASSOCIATED WITH THE SIMMONS YMCA WILL COMPLY WITH THE REQUIREMENTS OF THE UNDERLYING R-17MF ZONING DISTRICT.

7. THE EXISTING AND FUTURE PARKING LOTS, ASSOCIATED WITH THE YMCA PROPERTY, WILL BE SCREENED IN ACCORDANCE WITH THE CITY OF CHARLOTTE ZONING ORDINANCE REQUIREMENTS.

SITE DATA:

7000 SF MEDICAL OFFICE BUILDING
EXIST ZONING R9 MF SU
PROP ZONING O1
FRONT & REAR YARD SETBACK 20'
SIDE YARD SETBACK 10'
14' CLASS 'C' BUFFER REQ'D
PARKING REQ'D 1 PER 200 SF = 35 SP
C 737 ACRES
AM [illegible] PROJECT COMPLETION [illegible]

PETITIONER FOR O-1(CD)
THOMAS ARKLE III
6622 EXECUTIVE CIRCLE DRIVE
CHARLOTTE, NC 28212

ILLUSTRATIVE REZONING SITE PLAN

SCALE: 1" = 60'

1. THE DEVELOPMENT ASSOCIATED WITH THIS REQUEST WILL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE. THE TREE ORDINANCE PLAN WILL IDENTIFY EXISTING TREES AND WILL ADDRESS MEASURES FOR TREE PROTECTION FOR TREES LOCATED IN THE CITY RIGHT-OF-WAY AND IN THE SETBACK AREA. THE LANDSCAPE PLAN WILL INCORPORATE EXISTING TREES INTO THE OVERALL LANDSCAPE DESIGN FOR THIS PARCEL.

2. ANY PROPOSED OR REBUILT DRIVEWAY CONNECTIONS TO DEMOCRACY DRIVE/REGAL OAKS DRIVE WILL REQUIRE A DRIVEWAY PERMIT SUBMITTED TO THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (C.D.O.T.) FOR REVIEW AND APPROVAL. THE EXACT LOCATION AND TYPE/WIDTH OF THE DRIVEWAYS WILL BE DETERMINED BY C.D.O.T. DURING THE DRIVEWAY PERMIT PROCESS. ALL DRIVEWAY CONNECTIONS WILL ADHERE TO ADEQUATE SITE DISTANCE CRITERIA.

3. THIS PROJECT WILL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS FOR SCREENING IN ACCORDANCE WITH THE CITY OF CHARLOTTE ZONING ORDINANCE.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-20
Date Filed February 3, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: YMCA Of Charlotte & Mecklenburg

Owner's Address: 500 East Morehead Street, Suite 307, Charlotte, North Carolina 28202

Date Property Acquired: May 14, 1969

Tax Parcel Number: 133-171-09

Location of Property (address or description)

Located adjacent to Albemarle Junior High School on Democracy Drive

Description of Property

Size (Sq. Ft.-Acres): Total Parcel = 15.815 Acres; Rezoning Parcel = .737 Acres

Street Frontage (ft.): Total Parcel = 270.32 L.F; Rezoning Parcel = 160.12 L

Current Land Use: Total Parcel: YMCA w/vacant areas
Rezoning Parcel: Vacant

Zoning Request

Existing Zoning: R-9MF w/Special Use Permit

Requested Zoning: 1) Termination of Use Permit
2) O-1(CD)

Purpose of Zoning Change: 1) To terminate the existing Special Use Permit for the total

2) To rezone a .737 acre portion of the total parcel for the construction of a two story, 6000 SF max medical office building.

GNA Design Associates, Inc.
Name of Agent

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

(704) 373-1907
Telephone Number

YMCA of Charlotte-Mecklenbu
Name of Petitioner(s) Thomas Arkle

6623 Executive Circle Dri
Address of Petitioner(s)
Charlotte, NC 28212

Telephone Number
(704) 547-8888

Signature

Signature of Property Owner
if Other Than Petitioner

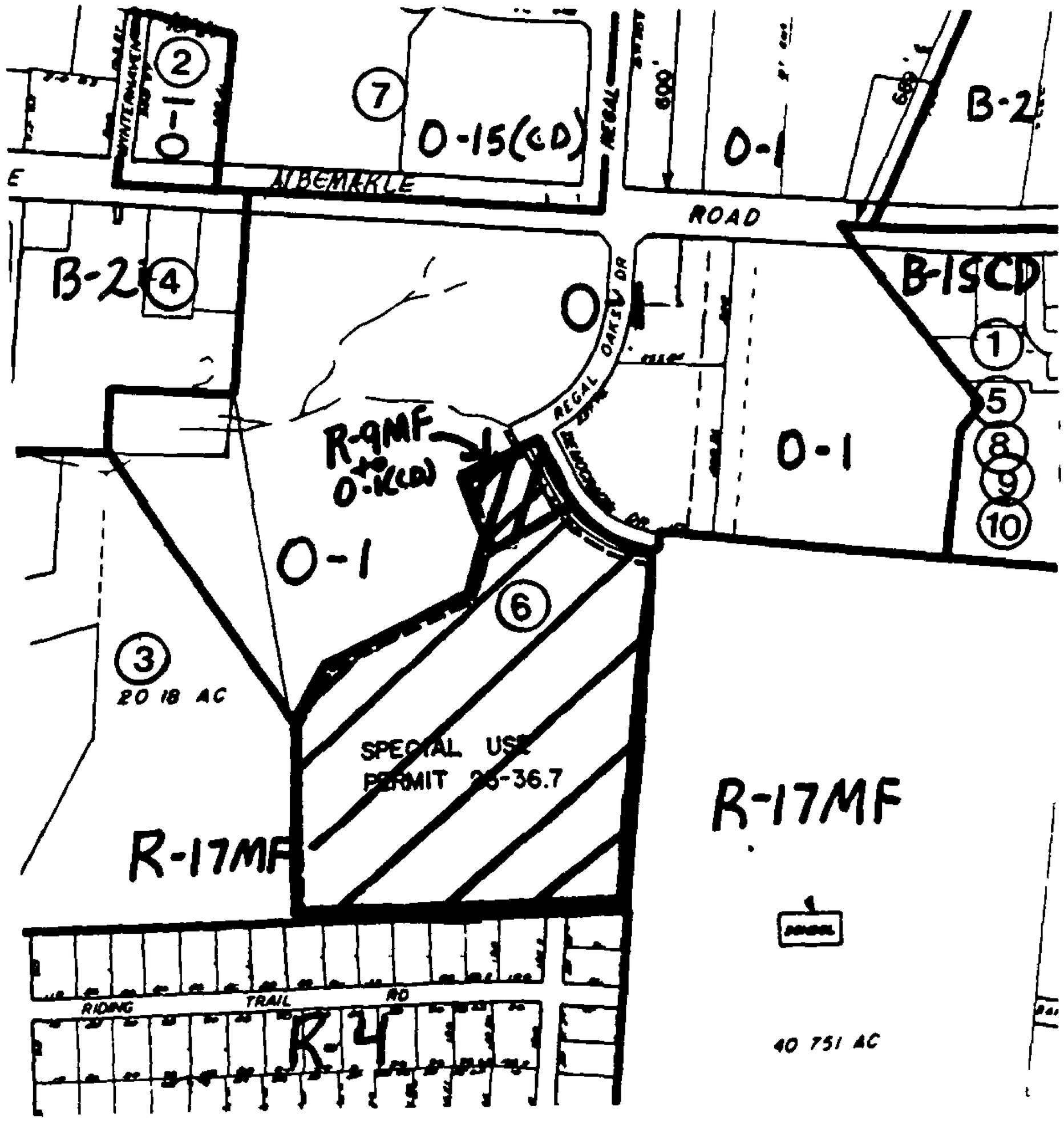
PETITIONER: YMCA of Charlotte

PETITION NO.: 92-20 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: R-9MF with special use permit

ZONING CLASSIFICATION, REQUESTED: O1-(CD) and termination of special use permit

LOCATION: Approximately 15.815 acres located on the westerly side of Democracy Drive at Regal Oaks Drive (adjacent to Albemarle Road Junior High School).



ZONING MAP NO(s).: 114 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-21

Petitioner: University Research Park

Location: Approximately 6.62 acres located on the southerly side of West W. T. Harris Boulevard east of Mallard Creek Road.

Request: Change from O-15(CD) and RE-2 to O-1(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned O-15(CD) as a result of a 1983 rezoning under the County's jurisdiction. Nearby properties are zoned a combination of R-15MF(CD), R-3, RE-2, and RE-1.

2. Existing Land Use. The subject property is presently undeveloped. Properties located to the south of Old Mallard Creek Road are developed with residential uses. The Harris Hill apartment complex is located to the northwest, the IBM complex to the southeast, and the Mallard Creek Center to the north.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses associated with the University Research Park. The 2005 strategies for the area 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. The Northeast District Plan (adopted in 1990) recognizes the research park as a major employment center for the northeast. The plan envisions the expansion of the research park boundary north of Mallard Creek Church 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.

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

4. Site Plan. The site plan which accompanies this petition proposes a rezoning from the existing RE-2 and O-15(CD) categories to

0-1(CD) to accommodate a maximum of 100,000 square feet of uses associated with the 0-1 zoning district. Access to the property is provided by one driveway connection to Mallard Creek Road and two driveways to Old Mallard Creek Road with potential access via IBM Drive.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 70-19	R-12 to R-12MF	Approved	05/18/70
2. 82-51(c)	R-12 to RE-2	Approved	04/20/82
3. 83-14(c)	R-15, R-12, R-9, R-12MF, R-9MF, & R-6MFH to RE-2 & 0-15(CD)	Approved	04/20/82
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. 88-45(c)	R-15MF(CD) to R-15MF(CD) Site Plan Amendment	Approved	10/17/89
7. 90-27(c)	RE-2 to RE-1	Approved	08/20/90

7. Neighborhood. This petition lies within the University City neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning to the 0-1(CD) classification in an area in which land use plans recognize existing employment uses and expansion of the Research Park. Therefore, this petition is consistent with plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff discussed this application prior to submittal. Staff also relayed several minor site plan comments to the petitioner which have been addressed by the revised site plan.

   2. Departmental Comments. The minor departmental comments regarding the site plan have been addressed by the revised site plan.

ISSUES

1. Land Use. This petition proposes rezoning from the RE-2 and 0-15(CD) categories to 0-1(CD) in an area in which adopted plans envision further research park development in order to provide an

expanding employment base in the area. Therefore, this petition is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes a 100,000 square foot office park and meets or exceeds ordinance standards related to landscaping, buffers, right-of-way provision, and vehicular access. The minor site plan issues noted by staff have been addressed by the submittal of a revised site plan. Therefore, this petition is considered appropriate for approval from a site plan standpoint.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

Site Data

EXISTING ZONING: RE-2 & 0-15 (CD)
PROPOSED ZONING: 0-1 (CD)
SITE SIZE: 6.623 ACRES (INCLUDING R/W TO BE ABANDONED)

Development Notes

1. NO VEHICULAR ACCESS SHALL BE PERMITTED ALONG HARRIS BLVD. AND A PORTION OF MALLARD CREEK RD.

2. TOTAL BUILDING DEVELOPMENT SHALL BE LIMITED TO 100,000 S.F.

3. PERMITTED USES SHALL BE IN ACCORDANCE WITH USES ALLOWED IN 0-1 ZONING DISTRICT.

4. SITE DEVELOPMENT PLANS SHALL CONFORM TO ZONING ORDINANCE AND TREE ORDINANCE.

5. SITE DEVELOPMENT PLANS SHALL MEET THE REQUIREMENTS FOR GRADING PERMIT, DETENTION PERMIT, AND DRIVEWAY PERMIT.

6. TYPICAL ACCESS POINTS ARE INDICATED TO DEPICT ACCESS TO SITE. PLAN INDICATES APPROXIMATE LOCATION, SUBJECT TO REVIEW FROM CHARLOTTE DEPARTMENT OF TRANSPORTATION. TOTAL NUMBER OF ACCESS POINTS SHALL BE LIMITED TO PLAN ALONG PUBLIC RIGHT OF WAY.

7. DEVELOPER SHALL RETAIN EXISTING FEATURES, INCLUDING EXISTING TREES AND WATERLINE TO THE GREATEST EXTENT POSSIBLE, AND SHALL PROTECT FROM DAMAGE.

8. ADDITIONAL RIGHT OF WAY ALONG MALLARD CREEK ROAD SHALL BE MAXIMUM 70' PARALLEL WITH CENTERLINE. DEDICATION OF R/W SHALL BE SCHEDULED IN ACCORDANCE WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION NEEDS FOR IMPROVEMENTS ALONG MALLARD CREEK ROAD.

FRED E. BRYANT, PLANNER

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

SUPPORT STATEMENT FOR REZONING PETITION 92-21

PETITIONER: UNIVERSITY RESEARCH PARK, INC.

LOCATION: APPROXIMATELY 6.62 ACRES ON THE SOUTHERLY SIDE OF WEST W. T. HARRIS BOULEVARD EAST OF MALLARD CREEK ROAD

REQUEST: CHANGE FROM O-15(CD) AND RE-2 TO O-1(CD)

In 1983, the subject property was rezoned to the O-15(CD) classification with a provision that up to 100,000 square feet of office space could be developed on the site. This land is owned by University Research Park, Inc., and it is intended for uses which support the adjoining large area of research zoned land. This petition in no way changes the already approved use or density standards approved in the 1983 zoning.

The basic changes which would result from this petition being approved relate to the anticipated closure of an unused portion of Old Mallard Creek Road made obsolete by a relocation when Harris Boulevard was constructed and permission to extend parking within 30 feet of Harris Boulevard as opposed to the currently approved 40 feet. The "to be abandoned" portion of street right-of-way would be changed from RE-2 to O-1(CD) in order to permit that land area to be used in conjunction with a building to be erected on the already existing office zoned land. As long as the zoning line remains in the center of the old street, setbacks would have to be calculated from that line and would, therefore, prevent some 30 feet of otherwise usable land from being made a part of the expected development. Because of the shape and nature of this tract, it has been determined that the ease of parking restrictions along Harris Boulevard is necessary to provide for normal usage of the tract. There has been no change in the 60 foot building setback which was imposed by the previous rezoning.

On the other hand, the Petitioner is agreeing to dedicate additional right-of-way along Mallard Creek Road to provide for its expected widening. This amount of right-of-way is in excess of that which can be required for a major thoroughfare because the Department of Transportation asked for some extra land to provide for turning lanes at the Harris Boulevard Intersection. Additionally, restriction on the number of driveways which can be located to service the property has been indicated on the new plan, whereas, no restriction was present on the old.

As can be seen from the Prehearing Staff Analysis, there are no unresolved issues concerning this request, and it has been determined that it meets the requirements of the Northeast District Plan. Therefore, the petition is recommended for approval, and we urge that you do so.

FEB/df

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review: Tuesday, March 3 @ 10:00 A.M.

Petition No 92-21
Date Filed February 3, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: University Research Park, Inc.

Owner's Address: 1980 Two First Union Center, Charlotte, NC 28282

Date Property Acquired: May 19, 1979

Tax Parcel Number: 027-034-01

Location of Property (address or description)

South side/west of W. T. Harris Blvd. east of Mallard Creek Road

Description of Property

Size (Sq Ft.-Acres): 6.623 acres

Street Frontage (ft.): 620' ± W. T. Harris Blvd.

Current Land Use: Vacant

Zoning Request

Existing Zoning: O-15CD & RE-2

Requested Zoning: O-1(CD)

Purpose of Zoning Change: To clarify development standards along Harris Blvd. and relate development area to abandoned street land.

Fred E. Bryant, Planner
Agent

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

333-1680
phone Number

University Research Park, Inc.
Name of Petitioner(s)

1980 Two First Union Center, Charlotte, NC 28282
Address of Petitioner(s)

375-6220
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

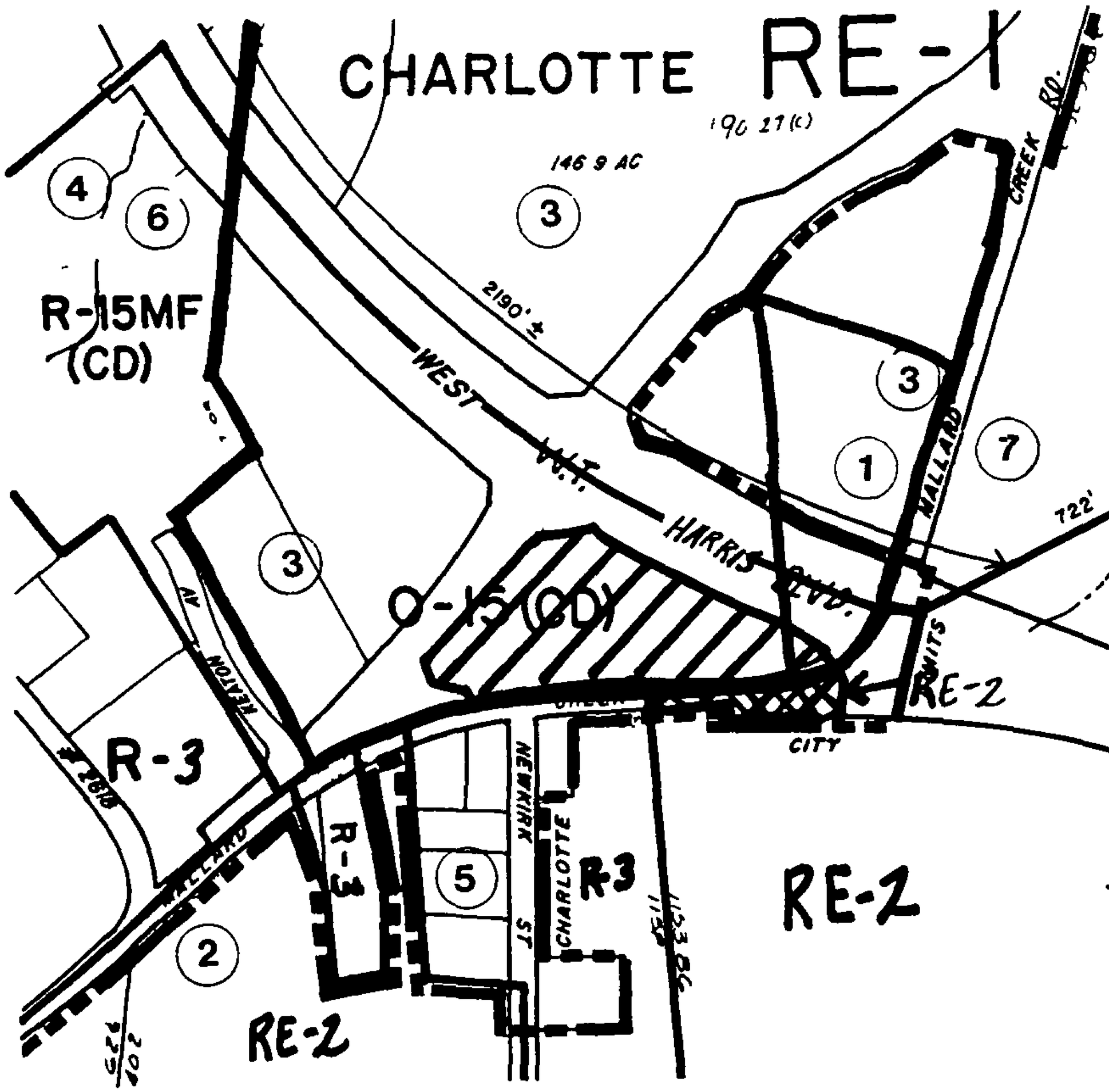
PETITIONER: University Research Park

PETITION NO.: 92-21 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: O-15(CD) and RE-2

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

LOCATION: Approximately 6.623 acres located on the south side of West W. T. Harris Boulevard, east of Mallard Creek Road.



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-22
(Northeast District #11)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the north side of U.S. 29 about 1/2 mile east of University City. (Paradise Valley Golf Course Property)

Request: Change from B-1SCD and B-2 to R-12MF.

BACKGROUND & JUSTIFICATION

Petitions 92-22, 23, and 24 were initiated simultaneously by staff as a follow up to a discussion with City Council at its January 21, 1992 meeting regarding Northeast District Plan land use/zoning conflicts in areas recently annexed by the City. The plan as approved by the study group and Planning Committee recommended this change.

Zoning History

In 1988, the property in this petition was rezoned from R-12 and B-2 to B-1SCD and Institutional (CD) to allow development of a mixed use center (Mallard Pointe). Since the rezoning was approved, no development has occurred on the site.

During the Northeast District Planning process, the overall land use pattern for the district was evaluated, which provided the opportunity to assess commercial needs and spacing of centers. Consequently, Planning Committee recommended that the B-1SCD on the golf course property be rezoned to R-12MF for the following reasons:

- University Place to the south of this site provides abundant opportunities for commercial development. Allowing this golf course site to also develop commercially would create an overabundance of commercial space in this vicinity and would set the stage for commercial development to extend from Harris Boulevard to Mallard Creek Church Road.

- During the district planning process, a petition was filed to rezone land on the southwest quadrant of Mallard Creek Church Road and U.S. 29 to B-1SCD, office, and multi-family; this land is approximately ½ mile from the golf course property.

  At the time, staff and Planning Committee were concerned about allowing even more commercial development so close to University Place; however, the site at Mallard Creek Church Road and U.S. 29 was considered to be a much preferred location for a neighborhood mixed use center than the golf course property. It has much better access at the intersection of the two major thoroughfares, and it is in a location that would better support surrounding residential

areas. University Place provides neighborhood commercial services closer to Harris Boulevard.

- To resolve the dilemma of having too much commercial zoning and particularly too much commercial zoning in the University Place vicinity, Planning Committee and staff supported the zoning petition at Mallard Creek Church Road and U.S. 29 with the caveat that the B-1SCD on the golf course property be changed to multi-family. This would have created a balanced mixture of uses along the U.S. 29 corridor. The petition was approved.

- When the County Commission adopted the Northeast Plan, the proposed rezoning of the golf course property from B-1SCD to R-12MF was eliminated from the plan recommendations. Consequently, there are now three commercial centers existing or planned between Harris Boulevard and Mallard Creek Church Road.

Staff and Planning Committee still advocate their original position on the land use future for this stretch of U.S. 29. Had this issue not been pursued as part of the Northeast District Plan, it would have come forward as part of staff's three year review of Conditional District cases and been recommended for rezoning.

Existing Land Uses

This site currently contains a golf course, driving range, and accessory buildings.

Surrounding Land Uses

Vacant land and a drive-in/restaurant are located to the north. Vacant land is to the east, except for a vacant commercial building and a piano repair service. Vacant B-1SCD property abuts the south boundary of the site, while an innovative single family development and vacant land included as part of the University Place Master Plan are to the west.

Proposed Land Use/Zoning

As originally proposed by Planning Committee and staff this property was recommended to develop residentially for the reasons previously stated. However, the official public policy endorsed by County Commission is that this area be developed as currently zoned.

Nonconformities Resulting From This Rezoning

The golf driving range would be made nonconforming by this rezoning.

Consequences of Not Rezoning This Property

If this property is not rezoned, there will be commercial development approved which would extend from south of W. T. Harris all the way to Mallard Creek Church Road along the north side of U.S. 29. Another South Boulevard or Independence Boulevard will be in the making. This would not support adopted public policies to distribute growth to achieve a balanced development pattern.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-22
Date Filed February 3, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Henry N. Pharr II and Velma C. Ratcliffe

Owner's Address: see attached list

Date Property Acquired:

Tax Parcel Number: 047-191-05, 047-191-12 & 047-191-02

Location of Property (address or description)

on the north side of US 29 ½ mile east of University City

Description of Property

Size (Sq. Ft.-Acres): 77.7 acres

Street Frontage (ft.):

Current Land Use: golf course and driving range

Zoning Request

Existing Zoning: B-1 S.C.D. and B-2

Requested Zoning: R-12MF

Purpose of Zoning Change: to carry out the recommendations of the adopted Northeast District Plan

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): Charlotte-Meclenburg Planning Comm.

Address of Petitioner(s):

Telephone Number:

Signature:

Signature of Property Owner if Other Than Petitioner

NORTHEAST DISTRICT #11

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-22 HEARING DATE: April 20, 1992

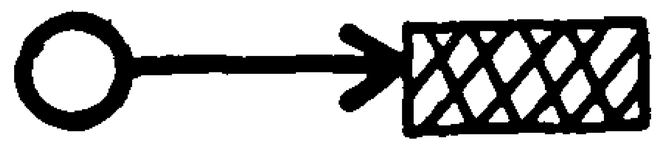
ZONING CLASSIFICATION, EXISTING: B-1SCD and B-2

ZONING CLASSIFICATION, REQUESTED: R-12MF

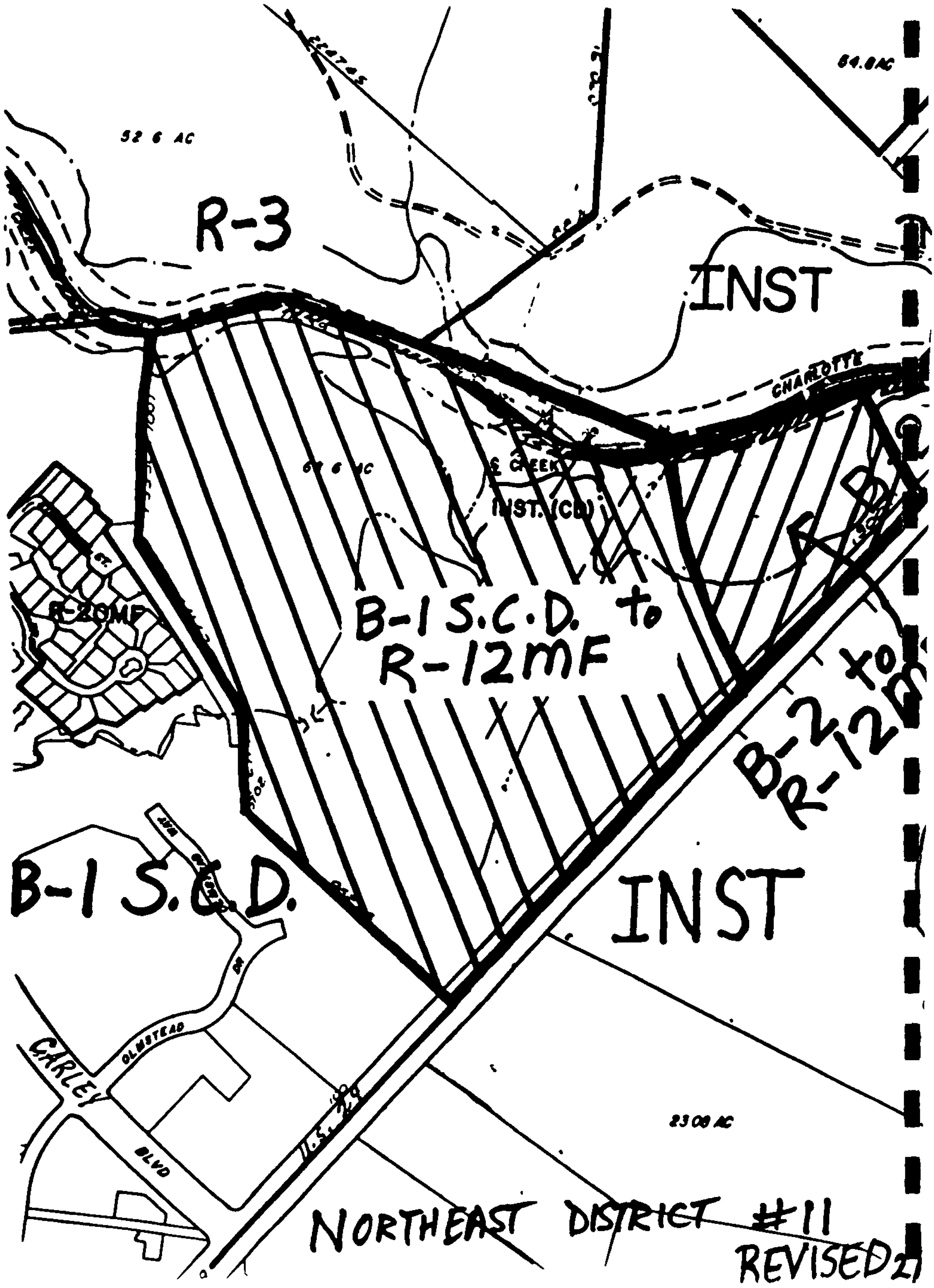
LOCATION: Approximately 77.7 acres located on the northwesterly side of U.S. 29, east of Carley Boulevard (Univeristy Place).

SEE ATTACHED MAP

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



PROPERTY PROPOSED FOR CHANGE


52.6 AC
R-3
INST
64.8 AC
CHARLOTTE
INST. (CB)
B-1 S.C.D. to
R-12MF
R-20MF
B-2
R-12
B-1 S.C.D.
INST
CARLEY
OLMSTEAD
BLVD
23.00 AC
NORTHEAST DISTRICT #11
REVISED 27

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-23
(Northeast District #12)

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Hampton Park, between U.S. 29, N.C. 49 (University Boulevard) and W. T. Harris Boulevard.

Request: Change from Institutional to R-5, Single Family Residential in accordance with direction given by City Council at its January 21, 1992 meeting.

BACKGROUND & JUSTIFICATION

Petitions 92-22, 23, and 24 were initiated simultaneously by staff as a follow up to a discussion with City Council at its January 21, 1992 meeting regarding Northeast District Plan land use/zoning conflicts in areas recently annexed by the City. The plan as approved by the study group and Planning Committee recommended this change.

Zoning History

This site was rezoned by the Charlotte-Mecklenburg Planning Commission in 1970 from R-12, R-12MF, and B-2 to B-1/Institutional.

Existing Land Use

This area consists of single family homes, a church and substantial vacant land.

Surrounding Land Use

A radio tower, vacant land, and an apartment complex exist to the north; vacant land and a few single family homes to the east; commercial uses to the south; and a mix of vacant land and commercial uses to the west.

Proposed Land Use/Zoning

When the Hampton Park Special Project Plan was initially presented to the County Commission, it contained a recommendation that this area be zoned for single family residential if the existing neighborhood is to be preserved. That rezoning was dropped from the plan; however, the County Commission pursued recommendations in the plan for providing water and sewer service to residents and to upgrade housing conditions. Subsequently, a community development block grant was awarded to provide some of the improvements to the neighborhood.

The County has invested in infrastructure improvements in Hampton Park, but under the new zoning ordinance finds that new single family homes are not permitted in the Institutional zoning district. This rezoning

would allow continued single family development in Hampton Park in alignment with the community block grant projects and efforts to preserve the neighborhood.

The Northeast District Plan recommends a mix of office/multi-family residential uses reflecting the land use future approved in the Hampton Park Plan by the County Commission.

Nonconformities Resulting From This Rezoning

No nonconformities would be created by this rezoning.

Consequences of Not Rezoning This Property

If this area remains zoned Institutional, no additional single family homes can be built. The area will continue to stagnate and public investments that have been made will be under-utilized. Since the area is already subdivided, the number of owners will make it very difficult to consolidate enough land for any nonresidential redevelopment.

*Subject to further refinement following public hearing.

OFFICIAL RECORD

CITY OF CHARLOTTE

Petition No. 12-2

Date Filed February 3, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: see attached list

Owner's Address: see attached list

Date Property Acquired:

Tax Parcel Number: see attached list

Location of Property (address or description)

between US 29, NC 49(University Blvd.), and W.T. Harris Blvd.

Description of Property

Size (Sq. Ft.-Acres): Approximately 70 acres

Street Frontage (ft.):

Current Land Use: single family homes, a church, a motel, and vacant land

Zoning Request

Existing Zoning: Institutional

Requested Zoning: R-5

Purpose of Zoning Change: to carry out the recommendations of the adopted Northeast District Plan

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): Charlotte-Meck Planning Commissic

Address of Petitioner(s):

Telephone Number:

Signature:

Signature of Property Owner if Other Than Petitioner

NORTHEAST DISTRICT # 12

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-23 HEARING DATE: April 20,

ZONING CLASSIFICATION, EXISTING: Institutional

ZONING CLASSIFICATION, REQUESTED: R-5

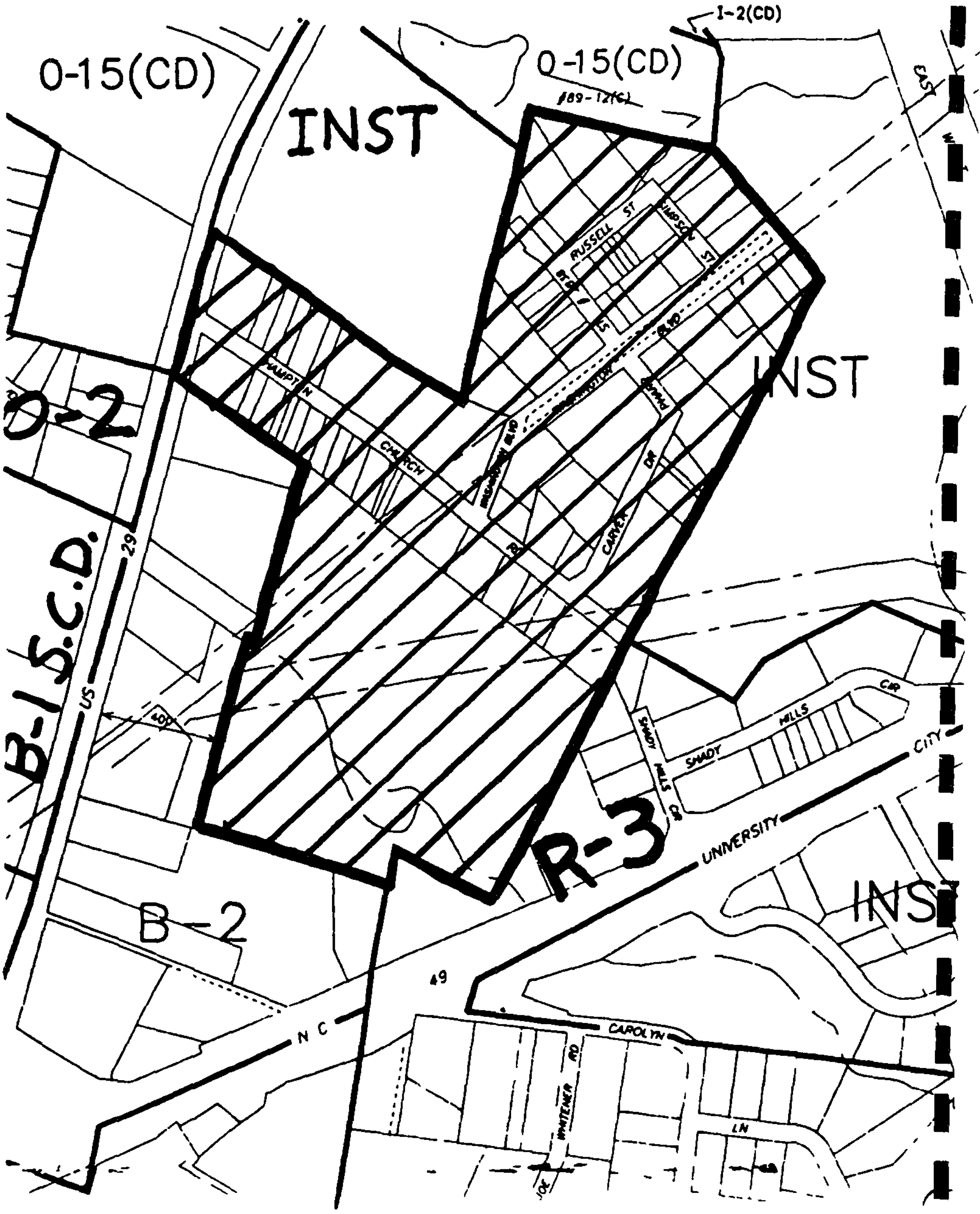
LOCATION: Approximately 70 acres generally located between U.S. 29 and Harris Boulevard, encompassing Hampton Church Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

NORTHEAST DISTRICT #12



92-24

1434 Queens Rd. West
Charlotte, NC. 28207
April 14, 1992

City Clerk's Office
600 E. Fourth St.
Charlotte NC 28202

Dear Sirs:

Because none of the three of us who own Tax parcel 049-311-01 have ever been notified of the rezoning of our property by mail, in spite of my repeated calls to the Planning Commission over a period of one week, because I was given incorrect information over the phone, by Tom Drake, about both the zoning change and portion of the land to be rezoned, because I was assured that the proper notices had been or would be mailed to us and yet they never were, because my brother only received the proposed change by fax from the Planning Commission at the end of the work day on the 13th when this petition was due by 5:00 on the 14th, and because of the degree of down-zoning involved, we request that petition 92-24 be delayed beyond the April 20, 1992.

Sincerely yours,
Lydia A. McSpeary

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 1992

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 April 20, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-24

Petitioner: Charlotte-Mecklenburg Planing Commission

Location: Along the east side of U.S. 29 at Mallard Creek Church Road.

Request: Change from Institutional and B-1 to R-3, Single Family Residential.

BACKGROUND & JUSTIFICATION

Petitions 92-22, 23, and 24 were initiated simultaneously by staff as a follow up to a discussion with City Council at its January 21, 1992 meeting regarding Northeast District Plan land use/zoning conflicts in areas recently annexed by the City. The plan as approved by the study group and Planning Committee recommended this change.

Zoning History

The majority of this property was rezoned in 1970 by the Charlotte-Mecklenburg Planning Commission from R-12, R-12MF, and B-2 to B-1 and Institutional primarily to accommodate future expansion of the University and to reduce the intensity of commercial development along U.S. 29. Special use permits for two fraternity houses have been approved for land within this area.

The Planning Committee recommended as part of the Northeast District Plan that the undeveloped B-1 properties fronting U.S. 29 and the institutional property on the north side of Mallard Creek Road between U.S. 29 and N.C. 49 develop residentially, and thus should be rezoned to a residential category. The reasons for this recommendation were:

- The property on the south side of Mallard Creek Road between U.S. 29 and N.C. 49 has predominantly developed with single family and multi-family homes. This existing development establishes a distinct separation between the UNCC campus and private development to the north of the campus. UNCC has no plans to in essence "leap frog" the residential area on the south side of Mallard Creek Church Road to develop institutional uses on the north side of the road between U.S. 29 and N.C. 49.

  The proposed rezoning to single family would complement the existing residential development on the south side of Mallard Creek Road and provide the opportunity for residential development close to the UNCC campus. Residential development is not permitted in the Institutional zone.

- Rezoning the B-1 property fronting U.S. 29 would prevent strip development from occurring. A 125,000 square foot mixed use center has been approved on the southwest quadrant of the intersection of

U.S. 29 and Mallard Creek Church Road which should provide ample opportunity for B-1 uses as part of an integrated design plan.

The County Commission eliminated the recommendation to rezone the B-1 property, but left the rezoning from institutional to residential in the plan; however, when the petition for the institutional rezoning was filed, the County Commission denied the petition.

A portion of the B-1 area along U.S. 29 and the institutional area along Mallard Creek Church Road (the land included within this petition 92-24) was recently annexed by the City of Charlotte. At the direction of City Council, staff has filed this newest petition for Council to consider. This would implement the original intent of the Northeast District Plan in the area that is now in the city limits.

Existing Land Use

This property is predominantly vacant but includes a County Park (soccer fields), some single family homes, and two fraternity houses.

Surrounding Land Use

On the north side of U.S. 29 there is a convenience store, an apartment complex, and vacant land. To the east is a mobile home park, a quarry, and vacant land. Single family homes and apartments are to the south of the site, and an apartment complex and vacant land are to the west.

Proposed Land Use/Zoning

As endorsed by the County Commission the public policy on how this land should develop is business and institutional, as the land is zoned. However, for the reasons previously stated, single family should be considered for the land. The R-3 district has been requested, but a future intensification to multi-family may be appropriate with evidence that the multi-family locational criteria approved as part of the District Plan General Policies have been met.

Nonconformities Resulting From This Rezoning

The existing fraternity houses would become legally nonconforming if this rezoning is approved.

Consequences of Not Rezoning This Property

If the existing zoning is left in place over 1/4 mile of strip commercial uses will be allowed along the south side of U.S. 29. This is in addition to the B-1 and B-2 zoning in place on the north side of U.S. 29. The Institutional zoning would continue to allow such uses as medical offices, veterinary clinics, fraternities, jails, stadiums and arenas, and accessory retail activities. These uses may not be

compatible with adjacent existing residential uses. Also, residential uses would not be permitted to be built in the Institutional zone.

*Subject to further refinement following public hearing.

OFFICIAL RECORDING ...

CITY OF CHARLOTTE

Petition No. 12-24

Date Filed February 3, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: see attached list

Owner's Address: see attached list

Date Property Acquired: —

Tax Parcel Number: 049-311-01 & 051-021-09

Location of Property (address or description)

along the east side of US 29 at Mallard Creek Church Road

Description of Property

Size (Sq. Ft.-Acres): approximately 147 acres

Street Frontage (ft.):

Current Land Use: predominantly vacant, with a County park (soccer fields), some single family homes, and a fraternity house

Zoning Request

Existing Zoning: INST/B-1

Requested Zoning: R-3

Purpose of Zoning Change: to carry out the recommendations of the adopted Northeast District Plan

Name of Agent

Agent's Address

Telephone Number

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

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

NORTHEAST DISTRICT #13

PETITIONER: Charlotte Mecklenburg Planning Commission

PETITION NO.: 92-24 HEARING DATE: April 20, 1992

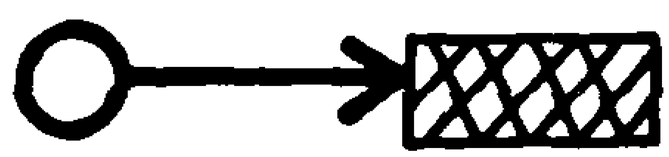
ZONING CLASSIFICATION, EXISTING: Institutional and B-1

ZONING CLASSIFICATION, REQUESTED: R-3

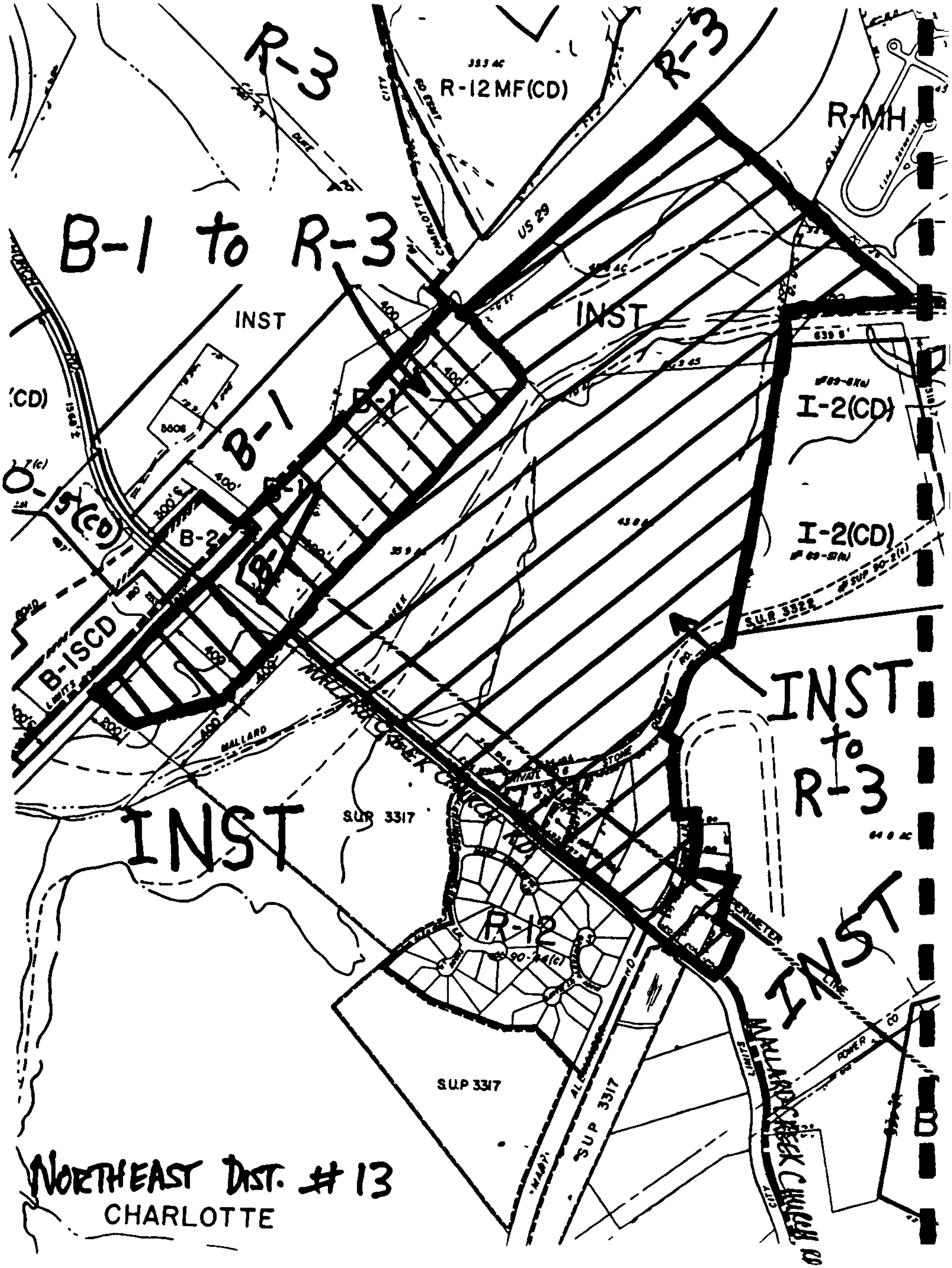
LOCATION: Approximately 147 acres located along the easterly side of U.S. 29 at Mallard Creek Church Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 57 SCALE 1" = 400'



PROPERTY PROPOSED FOR CHANGE


R-3
R-12MF(CD)
R-3
R-MH
B-1 to R-3
INST
INST
B-1
B-1
B-2
B-2
B-1SCD
I-2(CD)
I-2(CD)
INST
to
R-3
INST
INST
S.U.P 3317
R-12
S.U.P 3317
S.U.P 3317
WALLAND CREEK CHURCH RD
WALLAND CREEK CHURCH RD
NORTHEAST DIST. #13
CHARLOTTE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 2, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on March 23, 1992.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, April 13, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, April 20, 1992.

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

Respectfully submitted,

Anne J. McClure

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

AJM:mlj

Attachments

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 2, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

RE: Petition No. 91-75 (A Text Amendment to the City Zoning Ordinance Regarding Motor Vehicles in Residential Districts)

Dear Mayor and Council Members:

City Council deferred their decision on Petition No. 91-75 until April 20 in order to allow time for additional discussion between Planning staff and interested parties and development of a potential alternative.

Attached for Council's consideration is the original version of the proposed text amendment (Attachment A) which was previously recommended for approval by Zoning Committee as well as a proposed alternative amendment (Attachment B). The proposed alternative is generally more restrictive. Either of these amendments will address the problem and the staff has no preference. Please contact me if there are any questions or comments regarding this matter.

Respectfully submitted,

Walter G. Fields, III
Land Development

WGFIII/LS:mlj

Attachments

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

DATE: January 27, 1992

PETITION NO.: 91-75

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Text amendment to restrict the number and location of unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts.

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

VOTE: Yeas: Baker, Byrne, Lassiter, McClure, Spencer, and Tabor.

Nays: None.

REASONS

The location of numerous unlicensed motor vehicles on residentially zoned property became an issue out of the public hearings on the new zoning ordinance. The Building Standards Department confirmed instances where individuals had parked numerous unlicensed motor vehicles outside on residentially zoned property.

Consequently, the Planning Commission's Planning Committee addressed this issue and has proposed a text amendment after conferring with various governmental departments and private citizens. The amendment proposes to limit the number of unlicensed motor vehicles parked outside in residentially zoned districts to no more than two, provided the occupant of the premises is the title owner. It also proposes to restrict the location of such vehicles to be out of the public street right-of-way and required setback.

This amendment also proposes to limit the number of motor vehicles that may be displayed for sale or trade on residentially zoned property to no more than three within a 1-year time period. It further restricts the number of such vehicles to no more than two at any one time and for no vehicle to be displayed longer than three months within a given year. Such vehicles for sale or trade would be permitted to be displayed anywhere on the residential property, but not within a public street right-of-way.

At the public hearing on this request an alternative proposal was submitted for Council's consideration. The alternative proposal is generally more restrictive in that it limits the number of outdoor, unlicensed vehicles to one, (rather than two) limits the number of vehicles displayed for sale or trade in any calendar year to two, (rather than three) with no more than one vehicle for sale at any given time (rather than two). This alternative proposal is attached.

Zoning Committee discussed the proposed alternative amendment but ultimately viewed it as overly restrictive and unenforceable. Therefore, Zoning Committee recommends approval of the text amendment as originally submitted.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Revised November 1, 1991
ATTACHMENT A

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 City of Charlotte is hereby amended as follows:

1. Amend Sections 9.204 and 9.304 by adding a new No. 16 and a new No. 15, respectively, to read as follows:

"The following provisions shall apply to unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts:

(a) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises provided such vehicles are registered to the occupant of the premises as the record title owner of the vehicles. These vehicles are not permitted to be located within any required setback contained in these regulations or any street right-of-way.

(b) No more than three (3) motor vehicles may be displayed for sale or trade on the premises within a one (1) year period provided no more than two (2) such motor vehicles may be displayed for sale or trade on the premises at any one time and provided no motor vehicle may be displayed for sale or trade for a period longer than three (3) months within a one (1) year period. A motor vehicle, licensed or unlicensed, displayed for sale or trade on the premises may be located in the setback, but not within the street right-of-way.

(c) All vehicles must comply with City Code, Chapter 10, Article III, "Removal and disposition of abandoned vehicles, hazardous vehicles and junked motor vehicles".

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

Approved as to form:

_____
City Attorney

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

_____
City Clerk

Revised March 10, 1992
ATTACHMENT B

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 City of Charlotte is hereby amended as follows:

1. Amend Sections 9.204 and 9.304 by adding a new No. 16 and a new No. 15, , respectively, to read as follows:

The following provisions shall apply to location of unlicensed motor vehicles and the display for sale or trade of licensed and unlicensed motor vehicles in residentially zoned districts.

(a) Unlicensed

(1) Only one (1) motor vehicle that does not have a current, valid license plat and is not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicle is registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle.

(2) No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises.

(3) Vehicles described in paragraphs (1) and (2) are not permitted to be located within any required setback or yards contained in these regulations or any street right-of-way except as provided in paragraph (b) (4) below.

(b) Licensed or Unlicensed

(1) No more than one (1) motor vehicle, whether licensed or unlicensed, may be displayed for sale or trade on the premises at any time and such display of a given vehicle for sale or trade shall not be for a period as to that vehicle exceeding 60 days.

(2) During a twelve-month period commencing January 1 and ending December 31 of each year, no more than two (2) such licensed or unlicensed motor vehicles shall be displayed for sale or trade on the premises. Further, no more than two (2) sales or trades of such licensed or unlicensed motor vehicles displayed for sale on the premises shall occur within the same twelve-month period.

(3) No motor vehicle, whether licensed or unlicensed, if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle, may be displayed upon the premises for sale or trade.

(4) A motor vehicle licensed or unlicensed displayed for sale or trade on the premises or provided herein may be located in the setback but not within the street right-of-way.

(c) If there are any premises with more than the number of vehicles provided for in Sections (a) and (b) above in violation of this section, then the owner and occupant, if different, shall have ninety (90) days from the date of the adoption of this ordinance to come into compliance with the ordinance or shall be in violation of this section.

(d) All vehicles must comply with City code, chapter 10, Article III, "Removal and disposition of abandoned vehicles, hazardous vehicles and junked motor vehicles".

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	December 19, 1991
PETITION NO.	91-77
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Expansion of the existing Dilworth Local Historic District.
LOCATION:	Approximately 278.5 acres in the Dilworth neighborhood.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.
Nays:	None.

REASONS

This petition proposes expansion of the existing Dilworth Local Historic District into the curvilinear section of the neighborhood. The Zoning Committee discussed the petition for some time focusing primarily on how the proposed expansion was developed and noting several property owners' concerns regarding inclusion in the district while adjacent properties are not included. For example, there was a specific question by Zoning Committee as to why the Tudor building, Arts Barbecue, and Long Cleaners on Morehead Street were not included in the proposed expansion. Further discussion noted that the proposed expansion district was based on available survey work and the amount of contributing versus non-contributing structures and can always be petitioned for expansion in the future if additional areas qualify under Historic District criteria. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO.. 91-77 HEARING DATE: December 17, 1991

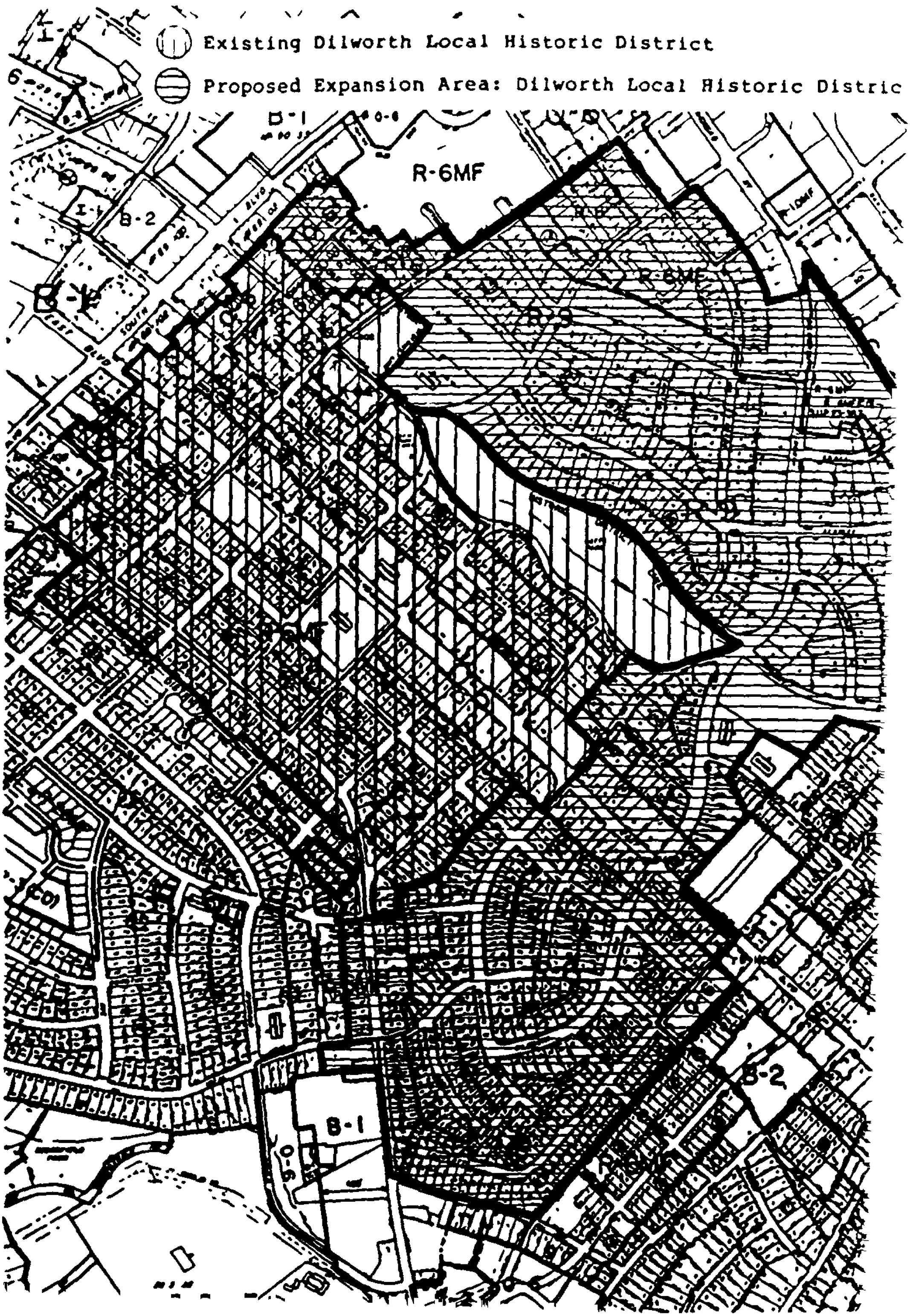
REQUEST To expand the existing Dilworth Local Historic District.

LOCATION Dilworth Neighborhood

SEE ATTACHED MAP

ZONING MAP NO(s).: 102, 103, 110, 111 SCALE 1" = 40

PROPERTY PROPOSED FOR CHANGE


Existing Dilworth Local Historic District
Proposed Expansion Area: Dilworth Local Historic Distric
R-6MF
B-2
B-1
O-6
R-6MF
B-2

RESPONSE TO REZONING PETITION 91-77
after North Carolina Department of Cultural Resources advisory letter

TO WHOM IT MAY CONCERN

The undersigned is President of Charlotte Drive Condominiums Association, Inc. and the first speaker in opposition to rezoning petition 91-77 at the December 17, 1991 public hearing. Charlotte Drive Condominiums are at 1901-1903-1905-1907 Charlotte Drive opposite the eastern terminus of E. Worthington Ave.

This particular response -- the undersigned had made a previous response -- is to comment on the advisory described in the next paragraph. That advisory should have been part of the file at the time of the public hearing rather than being received almost two months afterward. In such an event the undersigned would have made just one response.

The North Carolina Department of Cultural Resources ("the Department) submitted their advisory dated February 12, 1992 to John Rogers, Administrator, Charlotte Historic District Commission, whose office is in the Planning Staff's office. Ms. Juli Aulik wrote the advisory in behalf of the Department but neither she nor anyone else from the Department came to Dilworth to research the findings she asserts to be factual.

The advisory paraphrases G. S. 160A-395 which provides the Department shall submit such an advisory, however, City Council is not required to vote consistent with the advisory.

Charlotte Drive Condominiums do not qualify for The National Register. At the December 17, 1991 public hearing for 91-77 in response to Planning Staff Land Development Manager Walter Fields' question Mr. Rogers stated property had to be 50 years old to be considered (qualified). Attached Exhibit C taken from the February 27, 1991 Mecklenburg Neighbors contains a graphic illustrating Charlotte Drive Condominiums are not included in the National Register District.

On page 8 of the May 13, 1987 Mecklenburg Neighbors in an article written by Richard Hoag, he writes:

> "The national historic district's general boundaries are Ordermore Ave., Charlotte Drive, Dilworth Road East, Belgrave Place, E. Morehead St., Myrtle Ave., Rensselaer Ave., a couple of properties on South Boulevard and the rear property lines of Tremont Ave."

A copy of page 26 from The National Register Bulletin #32 (I 29.76/3:32 648-D at the downtown public library) is attached as Exhibit A. Criteria to be eligible for inclusion into The National Register are stated on page 26. These National Register criteria statements include the definition of words and terms stated but undefined in G. S. 160A-395.1: history, architecture, culture, possess integrity of design, setting, materials, feeling and association. Obviously The National Register criteria was used to model the draft of G. S. 160A-395.1.

With reference to The National Register criteria considering the fact that (A) no event has ever occurred in Dilworth making a significant contribution to the broad patterns of our (national) history, or (B) that no significant (national) person lived in Dilworth, or (C) that inasmuch as Ms. Aulik identified for Mr. Rogers three architectural styles and three stages of development and not "distinctive characteristics of a type, period, or method of construction . . . that represent a significant and distinguishable entity . . ." required pursuant subsection C of The National Register Criteria, and (D) that no one event of prehistory or history has occurred within Dilworth one is at a loss to legitimize a Dilworth Local Historic at all to say nothing of the inclusion of Charlotte Drive Condominiums into the District.

As leadoff speaker in opposition to 91-77 I stated a significant factor no other speaker addressed: There are no architectural features of Dilworth so indigenousness Charlotte Drive real property can be distinguished from real properties in Wilmore, Oakhurst or on Vail Ave. Not only Charlotte Drive Condominiums in particular but all

but all of Charlotte Drive fails the statutory test stemming from The National Register Criteria for inclusion within a local historic district, G. S. 160A-395.1

> Character of American Historic District -- Historic Districts established pursuant to this part shall consist of areas which are deemed to be of special significance in terms of their history, architecture and or culture and to possess integrity of design, setting, materials, feeling and association.

The 278.5 acres targeted by the Planning Staff for inclusion into the Dilworth Local Historic District were developed over a span of more than four decades before and after both the Great Depression and World War II having no common history, architecture or culture and with no connectiveness economically nor in building materials.

Mr. Fields in answer to an unidentified Councilman's question justified the inclusion of Charlotte Drive Condominiums as part of the 278.5 acres (as) "referencing the edge of the neighborhood' rather than qualifying for structures built during a period which he never defined. With reference to Exhibit C, the outline of The National Register District in Dilworth, the people compiling the Register obviously considered the respondents' properties for inclusion but decided not to compromise their own standards to include Charlotte Drive Condominiums in order "to reference the edge of the neighborhood." At the very least the 278.5 acres in 91-77 should not include any property not included in The National Register District because National Register and statutory criteria are identical. (Compare Exhibit A, National Register Criteria, with G. S. 160A-395.1.)

The Department advisory approves the exclusion of the Circle K Store property from 91-77. The Circle K property was part of the 1.908 acres deeded to Alexander Home (Exhibit B) in 1916 just as was Charlotte Drive Condominiums. The National Register excludes the Circle K. The Planning Staff's decision to delete the Circle K property from 91-77 but to include Charlotte Drive Condominiums because Charlotte Drive Condominiums, Nantucket Office Condominiums, Charlotte Drive Office Condo-

miniums and Hope Haven, Inc (under construction) "reference the edge of the neighborhood" is particularly arbitrary. The Circle K property "references the edge of the neighborhood" more than any other single parcel within the 278.5 acres because the Circle K has five commercial-width driveways on East Boulevard, Charlotte Drive and Kenilworth Ave. Such a distinction cannot be observed from a Raleigh office.

The City Clerk's Office made an audio cassette of the December 17, 1991 public hearing. Below is the verbatim account of the question and answer exchange between the unidentified Councilman and Mr. Fields at the conclusion of the leadoff speaker in opposition to 91-77

> Councilman· I have a quick question. Walter, you pointed out during the dinner some of the areas that were inside and outside, the, what's the term . . . ?
>
> Mr. Fields· The National Register District.
>
> Councilman· Will you let us know which areas that might be when the speakers come up. I'm just curious if any of these plats or lots that were talked about are either inside or outside the National Historic, just for curiosity sake.
>
> Mr. Fields· Mr. King's property are the ones along Charlotte Drive that are the office condominiums. They are the ones that we pointed out to you earlier are in a narrow strip which are on one side of Charlotte Drive, the other side is still existing single-family fabric, and the (91-77 proposed expansion of the Dilworth Local Historic) District boundary was drawn to <u>include</u> (emphasis added) the properties that he (Mr. King, the leadoff speaker in opposition) was referring to, again, not so much because they actually contain structures of that period but because they reference the edge of the neighborhood and the Historic District itself. Once you go beyond that point you are into the Kenilworth corridor which is a different type of area.
>
> Councilman· So that one (the property to which the leadoff speaker in opposition referred -- Charlotte Drive Condominiums) was inside the National Historic?
>
> Mr. Fields: It's not included in the National District, but it is included in this proposal (91-77 for the Local Historic District.
>
> Councilman This (Charlotte Drive Condominiums) is outside?
>
> Mr. Fields: Yes.
> Councilman: Okay.

Later in the December 17, 1991 public hearing Mr. Fields admitted previous inclusions of non-qualifying G. S. 160A-395.1 properties when in response to Councilman Martin's question regarding another portion of the 278.5 acres, he stated:

> (Mr. Fields:) Let me again observe that while we're being quoted here the statute it is important to realize the application of the statute as we are proposing it here, and as we have had experience with it in the past. You may recall, that in 1983, when the first Historic District was put in place in Dilworth there were a number of properties along East Boulevard which had already been converted to more contemporary or more modern-type structures, but they were included because they were within The (National Register) District and because the renovation of those structures in the future would be important as to what happens to the adjoining properties.
>
> I think that same sort of rationale goes into consideration in part of these two pieces (Note: Properties on E. Morehead St. and Kenilworth Ave. far removed from Charlotte Drive Condominiums). We have National Register properties and Historic District properties surrounding three sides of these two sites and while it is true they are of more recent construction and while their particular architectural style in and of itself can't be argued as architecturally significant they do again form the boundary of the neighborhood, much in the same fashion as we were just describing on the office zoned properties along (sic) Kenilworth Ave. To leave those pieces out creates an intrusion into the fabric of the Historic District.

The respondents herein wish to note that to include non-qualifying East Boulevard properties within the original Dilworth Local Historic District in 1983 and admit it in 1991 does not sanction the law to be broken again. If City Council should vote to include an area within the Dilworth Local Historic District which Mr. Fields admits does not meet the test of G. S. 160A-395.1 opponents to the non-qualifying land should be able to obtain relief from a Superior Court judge. If the General Assembly had wanted to include peripheral properties (which) "form the boundary of the neighborhood" to use Mr. Fields' phrase they would have provided for same in the General Statutes.

Charlotte Drive Condominiums were built in 1979 on part of 1.908 acres which on July 25, 1916 were deeded from Charlotte Consolidated Construction Co., E. D. Latta, President, to the Alexander Home for the sum of $1.00 plus certain

restrictive covenants now illegal described in the deed (Exhibit B). Looking at the plat on the deed we can observe that neither Charlotte Drive nor Kenilworth Ave. was built at the time.

At the time Charlotte Drive Condominiums were built the only improvements on the block bounded by the 1.908 acres described above were a Union 76 station spanning the entire block along East Boulevard and architect Harold L. Cooler's office spanning the entire block along Ideal Way. Nantucket Office Condominiums and Charlotte Drive Office Condominiums were built on adjacent lots to the north and south of Charlotte Drive Condominiums in 1985 and 1981 respectively.

Considering the above The National Register properly excluded the entire block described above. One can see on the map attached as part of Exhibit C the east side of Charlotte Drive from East Boulevard to Lattimore St. was excluded.

continued on page 7

Ms. Aulik admits as did Mr. Fields twice at the December 17, 1991 public hearing Charlotte Drive Condominiums are "non-contributing" meaning in essence Charlotte Drive Condominiums do not in fact meet the test of G. S. 160A-395.1. She terms Charlotte Drive Condominiums as "unobtrusive." Obviously all improvements to land must have corresponded to building and zoning codes of the time. People construct improvements on land not only as functional (shelter or income producing) but as a compliment to themselves and as an investment to sell at some future time. Nobody will build a structure to be obtrusive because such an act would be counter-productive. Anybody who can afford to buy land in today's market will not build an obtrusive structure consistent with the prevailing zoning and building codes.

To be sure Charlotte Drive is curvilinear but the four streets east from Charlotte Drive i. e. Kenilworth Ave., Scott Ave., Floral Ave.-Clayton Drive and Cumberland Ave.-Lilac Rd. are also curvilinear and on the opposite (north) side of East Boulevard please take note that Fountain View and Garden Terrace were also curvilinear until the last decade when Carolinas Medical Center expansion resulted in their becoming deadend streets.

The character of the area of those above six streets east from Charlotte Drive is similar to Charlotte Drive, however, none of the buildings are within the 278.5 acres. These neighborhoods have more similarity to Charlotte Drive than Charlotte Drive has to the existing Dilworth Local Historic District. The area within the present Dilworth Local Historic District and west of Dilworth Road East was originally far more aristocratic than Charlotte Drive ever got to be. The lots on Charlotte Drive and east to Cumberland Ave. were platted considerably smaller. One has to go into Dilworth to observe the difference between Dilworth Road East and Charlotte Drive and the similarities of neighborhoods between Charlotte Drive eastward to Cumberland Ave. One cannot observe the distinctions and similarities described above from an office in Raleigh.

Ms. Aulik thinks all of Charlotte Drive should be included because Charlotte Drive is curvilinear just like other streets such as Dilworth Road East and Dilworth Road West. The origin of Dilworth's curvilinear streets could have been discovered by a man in 1982 who searched the Olmsted brothers' Brookline, MA office closed years and years previously. In a February 28, 1982 Charlotte Observer article on page 6E the researcher told his interviewer

> "Like Queens Road West, the southern loop of Dilworth Road East and West (which the Olmsteds called East Way and West Way) owes its graceful sweep -- the confusion of intersections -- to a trolley line extension that was never built."

This respondent would not object to the inclusion of Charlotte Drive, the roadbed, into the Dilworth Local Historic District although none of Dilworth should qualify to be included (compare Exhibit A, National Register Criteria, with G. S. 160A-395.1), but limit the inclusion to the Charlotte Drive roadbed, the curvilinear street by itself, not the properties for which people have deeds filed in the courthouse.

Respectfully submitted,

Cecil King
President, Charlotte Drive Condominiums
1903 unit owner

David B. Palmer
1901 unit owner

Kathryn Shearer
Secretary, Charlotte Drive Condominiums
1907 unit owner

Appendix B

The National Register Criteria for Evaluation

The quality of significance in American history architecture archeology and culture is present in districts sites buildings structures and objects that possess integrity of location design setting materials workmanship feeling and association and

A that are associated with events that have made a significant contribution to the broad patterns of our history or

B that are associated with the lives of persons significant in our past or

C that embody the distinctive characteristics of a type period, or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction or

D that have yielded or may be likely to yield information important in prehistory or history

Criteria Considerations (Exceptions) Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories

A a religious property deriving primary significance from architectural or artistic distinction or historical importance or

B a building or structure removed from its original location but which is significant primarily for architectural value, or which is the striving structure most importantly associated with a historic person or event, or

C a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life or

D a cemetery which derives its primary significance from graves of persons of transcendent importance from distinctive design features or from association with historic events or

E a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived or

F a property primarily commemorative in intent if design age tradition or symbolic value has invested it with its own historical significance or

G a property achieving significance within the past 50 years if it is of exceptional importance

Appendix C

Recommended National Par Service Publications

Archeology and Historic Preservation Secretary of the Interior s Standards ar Guidelines *Federal Register* Vol 48 No 190 44716 42 September 29 1983

Manual for State Historic Preservation Review Boards Preservation Planning Series 1984

National Register Bulletin 6 Nomination of Properties Significant for Association with Living Persons 1981 revised 1982

National Register Bulletin 15 Guidelines for Applying the National Register Criteria for Evaluation in draft June 1, 1982

National Register Bulletin 16 Guidelines for Completing National Register of Historic Places Forms September 30 1986

National Register Bulletin 22 How To Evaluate and Nominate Potential National Register Properties that have Achieved Significance within the Last 5 Years 1979, revised 1987

National Register Bulletin 24 Guidelines for Local Surveys A Basis for Preservation Planning 1977 revised 1985

Exhibit A

U S GOVERNMENT PRINTING OFFICE 1989-231-037

[illegible], in consideration of the pre[illegible] of [illegible] hundred Dollars ($1700.00) paid to the said party of the first part by the said party of the second part, the receipt of which is hereby acknowledged, and under and by virtue of the power and authority by the said deed of trust conferred, the said E.L.Keesler, Trustee, as aforesaid, does hereby bargain, sell and convey unto the said Charlotte Consolidated Construction Company, its successors and assigns, a certain parcel or tract or lot of land lying and being in Mecklenburg County, State of North Carolina, and defined and described as follows, to-wit:

Lying and being in the City of Charlotte, in Dilworth, and being Lot No.3, in Square No.49 and fronting 50 feet on Worthington Avenue, and extending back with said width 150 feet as shown by section 1 of the map of Dilworth recorded in the Mecklenburg Registry in Book 230, page 60, to which reference is hereby made, reserving, however, and alley ray ten feet wide, extending across the rear end of said lot for the perpetual use of all lot owners in said Square, in common with the party of the second part, its successors and assigns, for the purposes of ingress, egress or regress, in consideration of which a corresponding right or easement is hereby granted to the party of the second part, its successors and assigns, to the use of this or any other alleyway located in said Squqre. This conveyance is made subject to the conditions, restrictions and agreements set forth in the deed of the Charlotte Consolidated Construction Company to W.L.Bowden, dated January 1, 1912, and duly recorded, reference being made to said deed herein mentioned.

TO HAVE AND TO HOLD said land and premises and all privileges and appurtenances thereto belonging unto the said Charlotte Consolidated Construction Company, its successors and assigns, forever, in as full and ample manner as the said E.L. Keesler, Trustee, as aforesaid, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, the said E L.Keesler, Trustee, as aforesaid, has hereunto set his hand and affixed his seal the day and year first above written.

E.L.Keesler, Trustee (Seal)

State of North Carolina, County of Mecklenburg,

I, James Gattis a Notary Public in and for the said County and State do hereby certify that E.L.Keesler, Trustee personally appeared before me this day and acknowledged the due execution of the foregoing Deed.

Witness my hand and notarial seal, this the 14th day of July, 1916.

James Gattis, Notary Public.

My Com. expires March 6, 1917.

SEAL

North Carolina, Mecklenburg County,

The foregoing certificate of James Gattis a Notary Public of said County is adjudged to be in due form and according to law. Let the instrument and this certificate be registered, this 28th day of July, 1916.

C.C.Moore, Clerk Superior Court.

Filed July 28th 1916 at 5:20 o'clock P.M. Recorded July 29th, 1916 at 2 o'clock P.M.

State of North Carolina
Mecklenburg County

THIS DEED, Made this, 25th day of July, 1916, by the Charlotte Consolidated Construction Company, a corporation of the County and State aforesaid, party of the first part, to the Alexander Home, of Charlotte, N.C., a corporation, duly created and existing under and by virtue of chapter 225 of the Private Laws of North Carolina (session 1903), party of the second part,

WITNESSETH, That for and in consideration of the sum of one dollar, and in order to provide a permanent and suitable site upon which to erect and establish a new home for the poor orphaned and helpless white children, being reared and educated, and hereafter to be reared and educated, in said home, the party of the first part hath given, granted and conveyed, and by these presents doth give, grant and convey to the party of the second part, its successors and assigns, for the uses and purposes set forth in its charter, all that tract of land, in the City of Charlotte, County and State aforesaid, and more particularly described as follows:

Beginning at a point on the South line of East Boulevard, 40-feet westerly at right angles from the center line of power transmission line of the Southern Power Company, thence N.47-15 W., with said South line of East Boulevard, 150.09 feet to the East line of a proposed street in the plan of "Dilworth", thence S.40-43 2/3 W, with said proposed street line 594.45 feet to a stake; thence S.

Exhibit B

70-59 E,167.92 feet to a point 40-feet Westerly at right angles from said center line of power transmission line,thence N.40-43 2/3 E,parallel and 40-feet distant from said center line of power transmission line 513.67 feet to the point of Beginning,containing 1.908 acres.

TO HAVE AND TO HOLD the said land,and premises,with all the privileges and appurtenances thereunto belonging,unto the Alexander Home,party of the second part,its successors and assigns,for the uses and purposes authorized and permitted by its Charter and none other, Provided,hovever,that if at any time in the furture it should become necessary to change the site of the home to one better suited to the needs of the institution,then the party of the second part shall have the right to sell and convey the above-described land,and to execute a fee simple deed therefor,free and clear from the trust hereby created,on condition that the proceeds of such sale shall be used exclusively in the purchase of a new site and the erection of a new home thereon.

IN WITNESS WHEREOF, said party of the first part has caused these presents to be signed in its name by its President,and its corporate seal to be hereto affixed and attested by its Secretary this,the day and year first above written.

Attest: Charlotte Consolidated Construction Compa

Thos.T.Allison, SEAL By E.D.Latta,President.

Secretary.

North Carolina,Mecklenburg County,

This,27th day of July,1916,personally came before me,B.L.Scruggs a Notary Public for said County,T.T.Allison,who,being by me duly sworn,says that hekmows the common seal of the Charlotte Consolidated Construction Company and is acquainted with E.D.Latta,who is the President and presiding member of said Corporation,and that he, the said T.T.Allison,is the Secretary of the said corporation and saw the said President sign the foregoing instrument and saw the said common seal of said corporation affixed to said instrument by said President,and that he,the said T.T. Allison,signed his name in attestation of said instrument in the presence of said President of said corporation.

Witness my hand and notarial seal,this 27th day of July 1916.

NOTARY SEAL PUBLIC B.L.Scruggs,Notary Public.

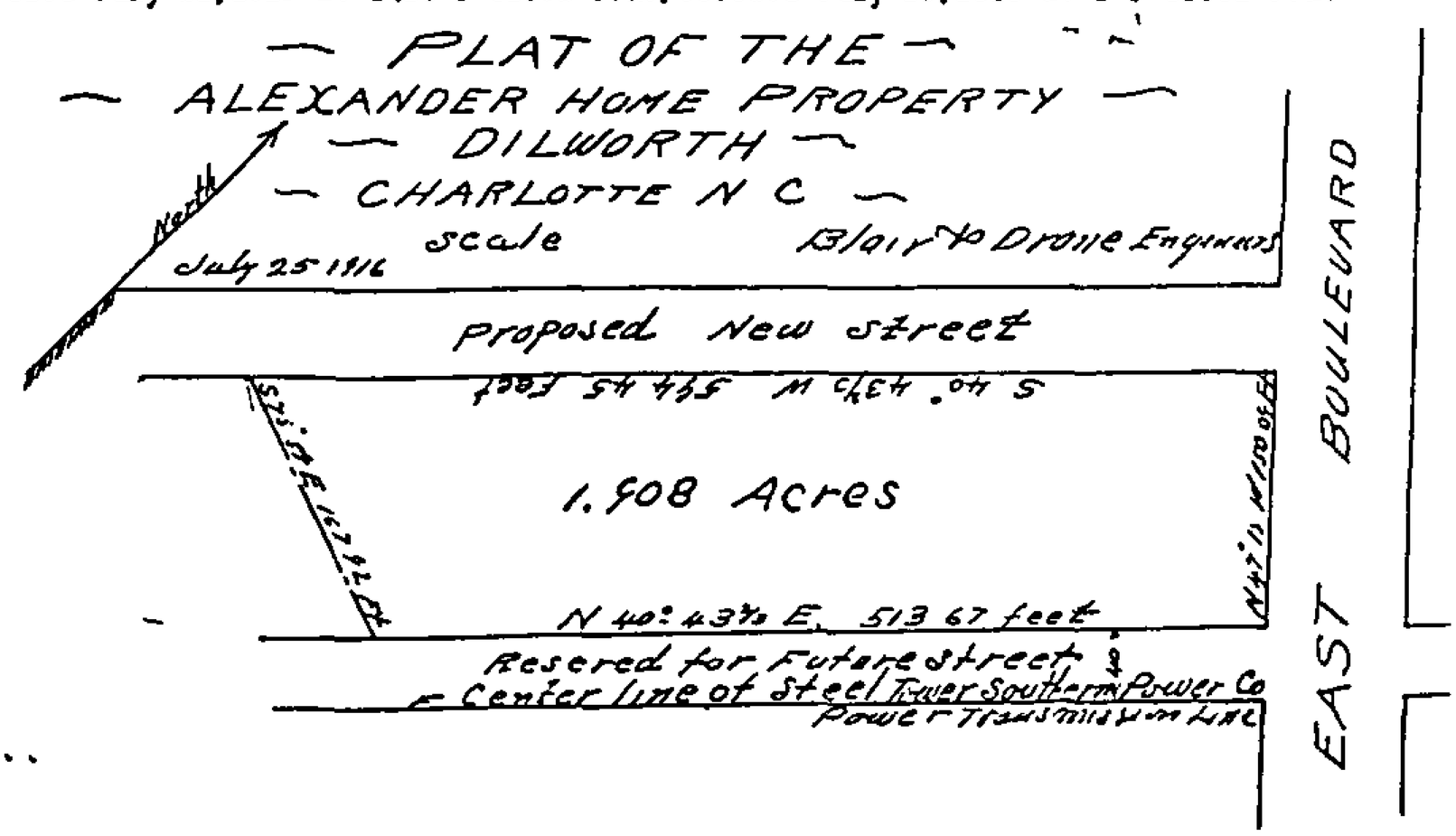
My Com.expires June 23,1917.

North Carolina,Mecklenburg County,

The foregoing certificate of B.L.Scrugs a Notary Public of said County is adjudged to be in due form and according to law.Let the instrument and this certificate be registered,this 28th day of July,1916.

C.C.Moore,Clerk Superior Court.

Filed July 28,1916 at 5:20 o'clock P.M.Recorded July 29,1916 at 3 o'clock P.M.



THIS DEED, made this 18th day of July, A.D. 1916, by and between The Parks Land Company, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, of the County of Mecklenburg and State of North Carolina, party of the first part, and George A. Hiller of the County of Mecklenburg, and State of North Carolina, party of the second part,

WITNESSETH, that the said party of the first part, in consideration of One hundred Dollars and other valuable consideration to it paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does grant, bargain sell and convey unto the said Geo. A. Hiller and his heirs, all that lot of land, situate, lying and being in Charlotte Township, Mecklenburg County, State of North Carolina, and more particularly described as follows:

Lot number twelve of Block number four of "Locke Wood", as shown on map thereof recorded in the Office of the Register of Deeds for Mecklenburg County, North Carolina, in Book 332, page 61, to which reference is hereby made for a more particular description.

Beginning at an iron stake in the south-west line of Sylvania Avenue, the corner between Lots 11 and 12 of Block 4 of "Lock Wood"; thence with the said line of Sylvania Avenue, S.56-57 E, 50 feet to an iron stake, the corner between Lots 12 and 13; thence with said line of lot 13, S.33-03 W, 170 feet to an iron stake in the north-east line of a 10 foot alleyway, the rear corner between lots 12 and 13; thence with said line of said alley N.56-57 W, 50 feet to an iron stake the corner between lots 11 and 12, thence with the side line of Lot 11, N.33-03 E. 170 feet to the point of beginning.

The foregoing property is conveyed subject to the following covenants, conditions and restrictions, which the party of the second part, for himself and his, heirs and assigns, hereby covenant and agree to perform and abide by: (1) The property shall be used for residential purposes only and shall be occupied and owned by people of the white race only. (2) No residence erected on the property shall be nearer the property line adjoining any street than twenty-five feet, nor nearer either of the side property lines than six feet. (3) Outbuildings shall be erected only after the main residence is begunni and shall not be nearer the property line adjoining any street than ten feet. (4) All fences on the property shall be of metal or stone, with wooden posts when necessary, and no part of any fence exceeding two feet in height shall be nearer the front of the property than fifty feet. (5) No sign boards of any description shall be displayed on the property, with the exception of signs "For Rent" or "For Sale,", which signs shall not exceed 2x 3 feet in size. (6) Any residence erected on the property shall cost not less than $———(7) No subdivision of any part of the above described property by sale, or otherwise, shall be made so as to result in a plot having a frontage of less than fifty feet. (8) Any residence built on the property must face the street in front of the lot on which it is built. On a corner lot the residence must face the street on which the lot has the shorter frontage. (9) No part of the property shall be used for agricultural purposes except the part set aside as service premises, which shall not be nearer any street than seventy-five (75) feet. By service premises is meant any areas used for wood yard, laundry yard, or kitchen garden, and any areas enclosed for the keeping of poultry or stock. (10) The Parks Land Company, its successors or assigns, shall have and is hereby given a right of way along the rear line of the lot hereby conveyed for pole lines or conduits in connection with supplying light, power and telephone service. (11) It is expressly understood and agreed by the parties hereto that all of the foregoing covenants, conditions and restrictions, which are for the protection and general welfare of the community, shall be covenants running with the land.

TO HAVE AND TO HOLD the aforesaid lot of land and all privileges and appurtenances thereto belonging, to the said George A. Hiller heirs and assigns, to himself and their only use and behoof forever. And the said The parks Land Company, for itself, , its successors and assigns, covenants with the said party of the second part, his heirs and assigns, that it is seized of said premises in fee, and has right to convey the same in fee simple, that the same are free and clear from all incumbrances and that it will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said The parks Land Company, party of the first part, has caused its name to be hereunto signed by its President, attested by its Secretary, and its common corporate seal to be hereto affixed, all by order of its Board of Directors , and the said George A. Hiller, party of the second part, has hereunto set

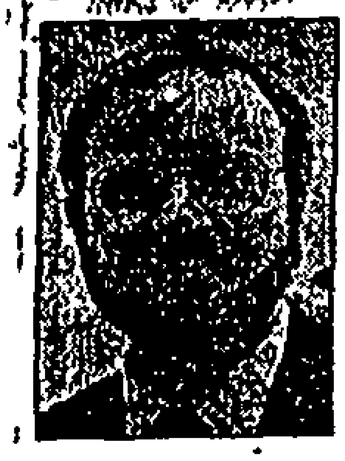
Dilworth: Expanded Historic District Would Protect Neighborhood

Continued From Page 6

from the commission.

If someone wanted to build a 10-story building and the commission decided that was not appropriate, there might be other ways to spread the same amount of floor space over the property in a lower building, he said.

"You can arrange it in different ways to make it recognize the neighborhood better, so the developer can exercise his development rights on that property under the zoning," Rogers said. "The commission looks at innovative solutions."



Rogers

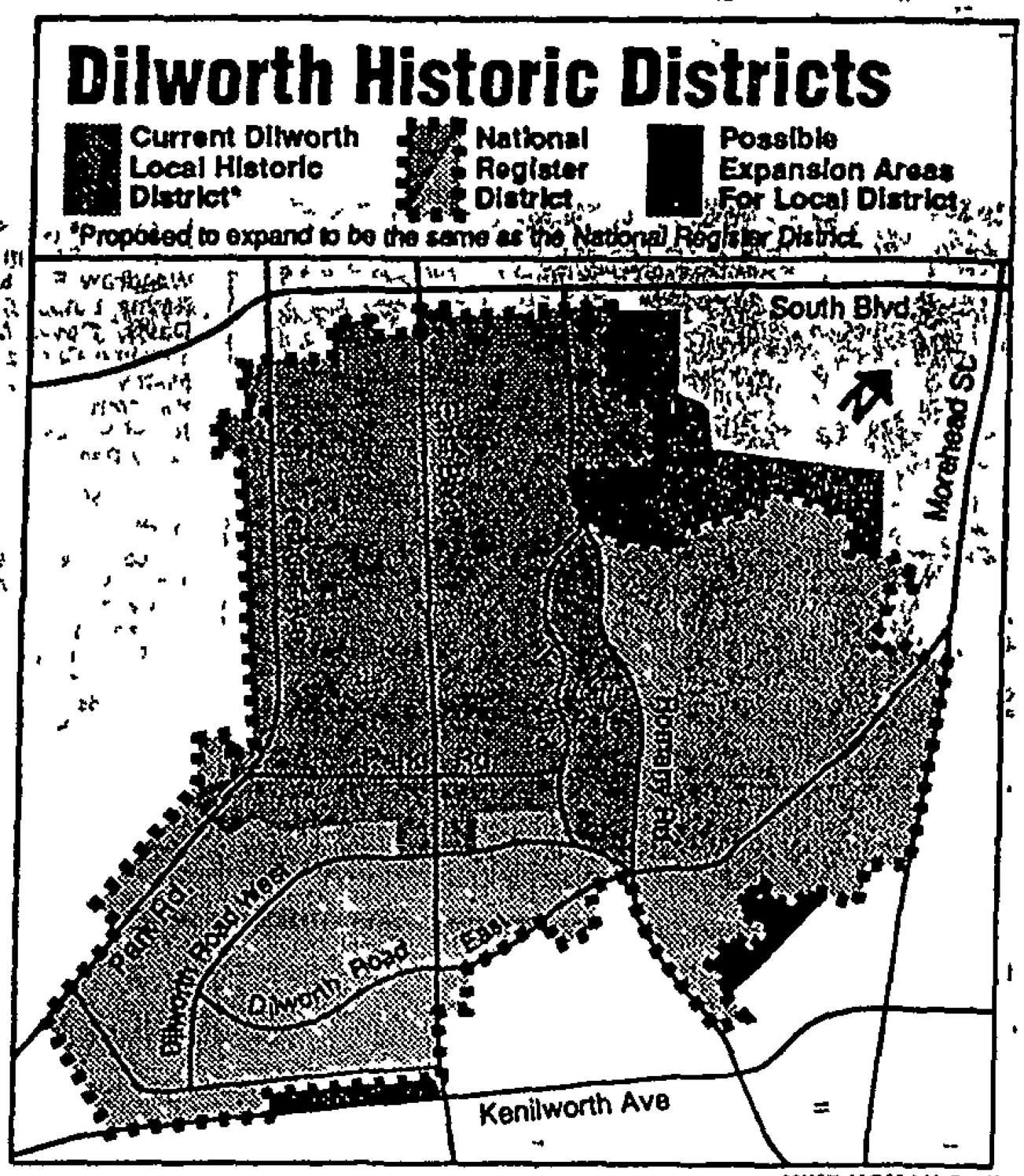
He also said the commission doesn't want to stop things from happening

"We don't ban this stuff, we just regulate this," Rogers said. "The idea behind this is to give the neighborhoods a tool, to protect itself against incompatible development."

Rogers will work with the neighborhood to take the request to the council later this year and will make sure property owners in the expansion area are notified of the proposal.

Rogers also is working with the Plaza-Midwood neighborhood on that neighborhood's first historic district east of uptown and expects to present both neighborhoods' requests to the city council at the same time

The Dilworth request, if approved, would add 738 properties to the local district — which already includes 492 properties — for a total of 1,230. The proposed Plaza-Midwood district includes 343 properties.



MIKE HOMAN/Staff

Exhibit C

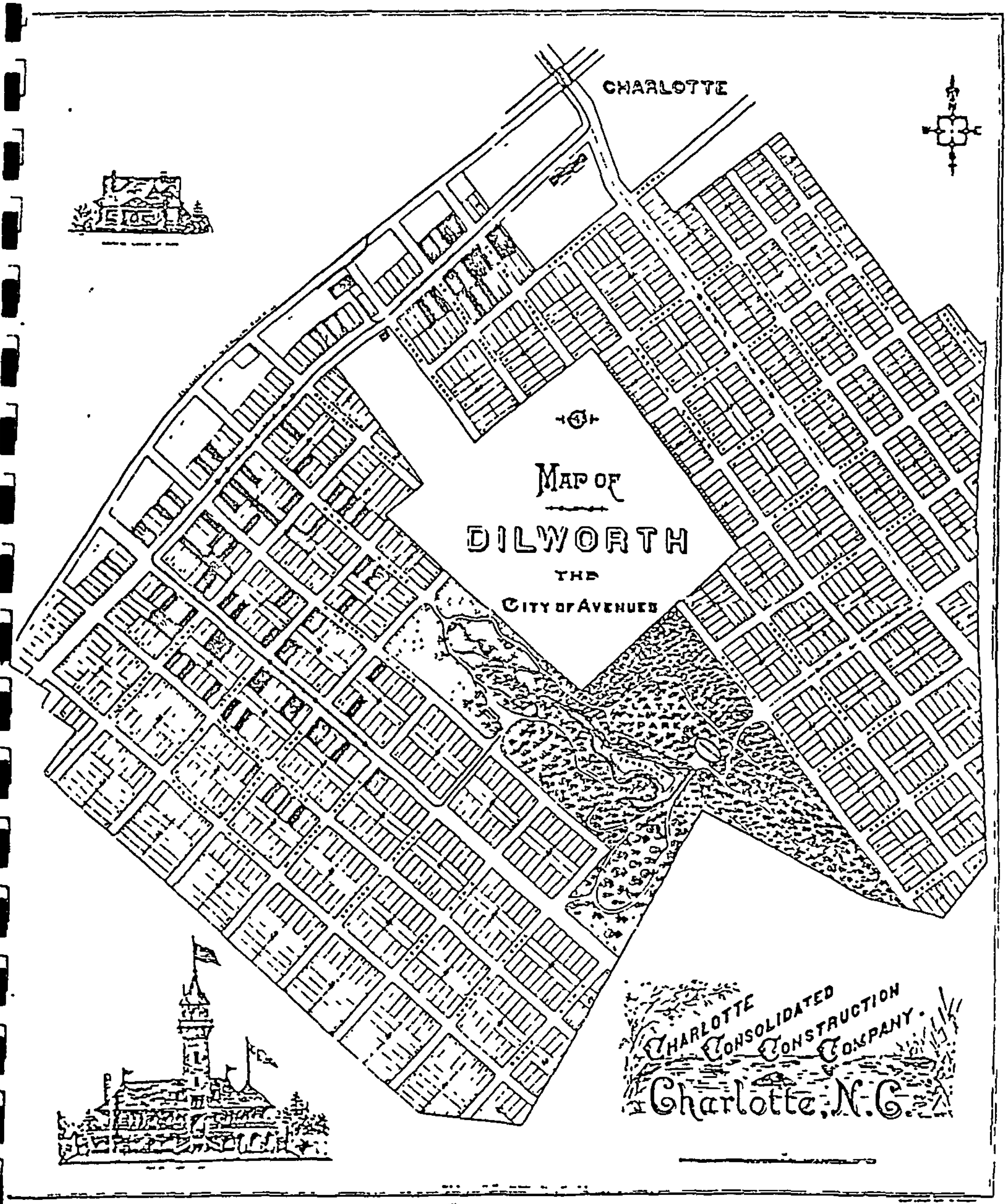
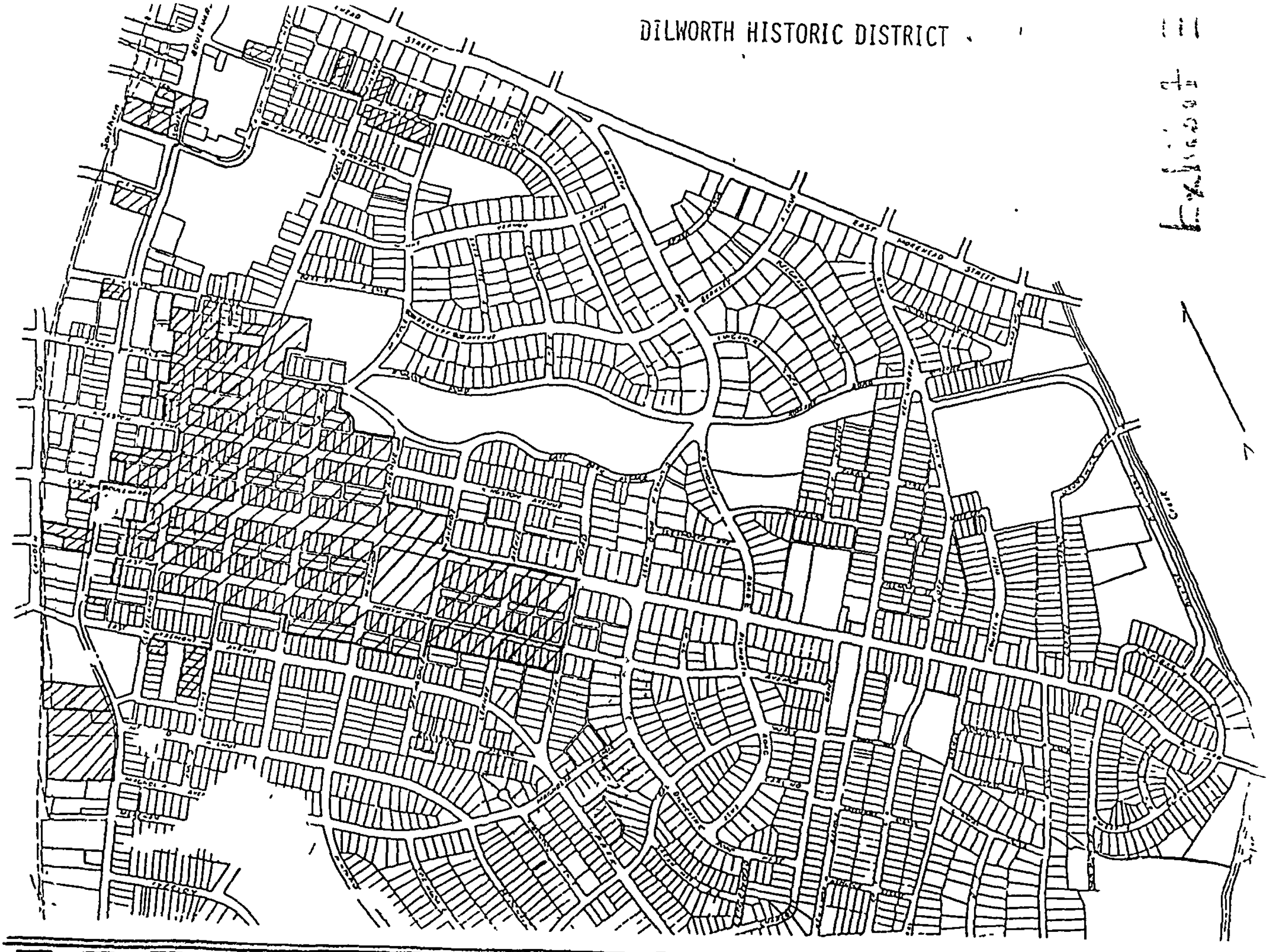

CHARLOTTE
MAP OF
DILWORTH
THE
CITY OF AVENUES
CHARLOTTE CONSOLIDATED CONSTRUCTION COMPANY.
Charlotte, N. C.

Exhibit I

DILWORTH HISTORIC DISTRICT



HEPLER ⁞⁞ HALL

RECEIVED
MAR 9 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

09 March 1992

City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202

Attn Mayor Vinroot and City Council

Re Proposed Dilworth Historic District Expansion

Dear Sirs

For almost 3 months, I have attempted to have a meeting with the CMPC to discuss my concerns about the boundaries of the proposed expansion of the Dilworth Historic District During this time, I have made my request several times, both verbally and in writing, and it has become quite apparent the petitioner does not wish to answer any of my questions As I have stated in the past, I am in favor of expansion of the district however, the proposed boundaries excludes properties already in the National Historic District and in keeping with the character of the neighborhood Furthermore, the process has been flawed by inaccurate materials submitted to the NCDCR and lack of public input into the district boundaries Below are some questions concerning the proposed district which I believe need to be answered

* Why has the St Patrict's property been sub-divided by the proposed district boundaries?
* Why have properties that are currently in the National Historic District and part of the 1911 Olmsted Area been excluded from the proposed district while property outside the Grid Area and Railway Corridor have been included?
* Why is the Circle K property the only property on that block of East Blvd that has been excluded from the district, considering that none of the property in that block is contributing?
* Why is the South Blvd corridor not included in the district given it's importance and historical significance?
* Why is the Kenilworth corridor excluded from the district considering the age,architectural style and character of the structures which are more in keeping with the neighborhood than the homes on Belgrave Place, one block away, that have been included in the district?

These are just some of the concerns of myself and others with the proposed district If these and other questions being raised are not being answered by the CMPC, why? Please, send this petition back to the Planning Commission and ask them to consider boundaries that make sense and will be well defined Thank you for your consideration of this matter

Sincerely,

Dennis J Hall,AIA/CCS

211 1/2 N Tryon St
Charlotte NC 28202
704/334-2110

RECEIVED
MAR 9 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

March 9, 1992

To: Mayor
Members of the Charlotte City Council
Members of the Planning Commission

RE: Rezoning Petition 91-77

We, the undersigned, represent the ownership of all property within the block bounded by Charlotte Drive, Ideal Way, Kenilworth Avenue and East Boulevard that is affected by Petition 91-77. Our request is that this block be excluded from the Dilworth Local Historic District expansion for the following reasons:

1. The block in question was not acceptable for inclusion in the National Register District when it was created in April 1987. The National Register District extends up Kenilworth Avenue from Ordermore Avenue toward East Boulevard, but cuts over to Charlotte Drive at Lattimore Street and then continues to East Boulevard up Charlotte Drive. Contrary to Mr. Walter Fields comment at the December 17, 1991 public hearing, it is clear that the National Register referenced the neighborhood at Charlotte Drive and not at Kenilworth Avenue in this block. The last of the three office condominiums was completed in 1985. These buildings are not deemed architecturally significant by the National Register Criteria, a copy of which is included as Exhibit A. A map from 'Mecklenburg Neighbors' dated February 27, 1991 showing the existing National Register District is included as Exhibit B.

2. To qualify for inclusion in a historic district according to N. C. G. S. 160A-395.1 our land must be 'deemed to be of special significance in terms of their history, architecture and/or culture." If this were true, our land would currently be part of the National Register District.

We maintain, furthermore, that the exclusion of this block from the Dilworth Local Historic District constitutes no threat or challenge to the purely local interests in action here. Petition 91-77 actually excludes the East Boulevard end of this block.

Respectfully submitted,

Nantucket Office Condominiums
1819 Charlotte Drive
C Dean Richards
Dean Richards, President

Charlotte Drive Condominiums
1901-1907 Charlotte Drive
Andrew B. Hanes
Andrew Hanes, Vice President

Business Properties
1909-1913 Charlotte Drive
H H Bradshaw
H. H. Bradshaw, Owner

Hope Haven, Inc.
~~1836~~ Kenilworth Ave.
Francy Duncan
Francy Duncan, Chairman

DATE:	December 19, 1991
PETITION NO.	91-78
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Establishment of the Plaza/Midwood Local Historic District.
LOCATION:	Approximately 91 acres located within the Plaza/Midwood neighborhood.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.
Nays:	None.

REASONS

This petition proposes the establishment of a local historic district in the Plaza/Midwood neighborhood. The Zoning Committee discussed concerns of some of the affected property owners opposed to additional layers of bureaucracy involved in the permitting process. While Zoning Committee understood and empathized with those concerns, they also noted that the history of the Historic District Commission's application of historic preservation measures has tempered over the years and has been characterized by good working relationships with residents and developers of the affected neighborhoods. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-78 HEARING DATE: December 17, 1991

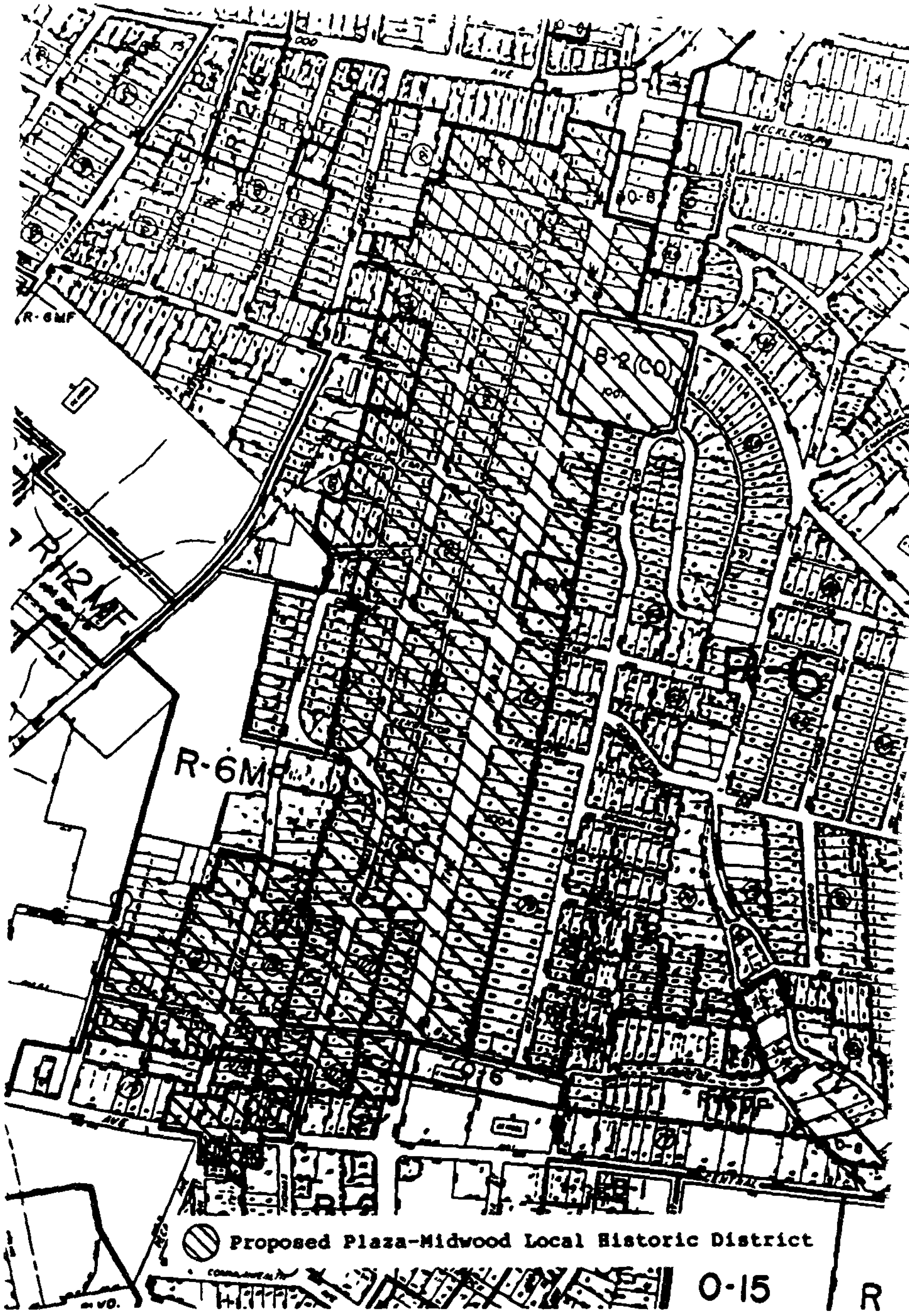
REQUEST: Establish the Historic District Overlay

LOCATION: Plaza-Midwood Neighborhood

SEE ATTACHED MAP

ZONING MAP NO(s).: 88, 89, 101, 102 SCALE 1" = [redacted]

PROPERTY PROPOSED FOR CHANGE


R-6MF
R-2MF
R-6M
R-6
B-2 (C)
O-B
Proposed Plaza-Midwood Local Historic District

DATE: February 24, 1992

PETITION NO.: 92-4

PETITIONER(S): Shady Hills Community Association

REQUEST: Change from Institutional to R-3.

LOCATION: Approximately 28 acres located on the southerly side of N.C. 49 at Carolyn Lane.

NOTE: Subsequent to the public hearing on this petition, the petitioner submitted the attached request to delete a portion of the petitioned property. Inasmuch as a valid protest petition has been filed, the zoning ordinance will not allow withdrawal of the petition. The ordinance does allow, however, City Council to approve only a portion of the property covered by the petition.

ACTION: The Zoning Committee recommends that this petition be approved in part. (See Attached Map).

VOTE: Yeas: Byrne, Fenning, Heard, Lassiter, McClure, and Spencer.

Nays: None.

REASONS

This petition seeks rezoning from the Institutional classification to a single family district. Subsequent to the hearing on this request, the petitioner indicated a desire to scale down the petition to focus only on the property previously considered for a special use permit for fraternal use. The relevant zoning ordinance provision stipulates that Council can not allow withdrawal of a validly protested petition but Council may always approve only a portion of the property covered by a petition. The Zoning Committee viewed the petition with respect to the property previously requested for an SUP as appropriate for approval noting that the existing zoning classification is not compatible with the adjoining single family neighborhood to the south. It was also noted that the petition is appropriate for approval in this location due to the property's topography and access through Carolyn Lane.

STAFF OPINION

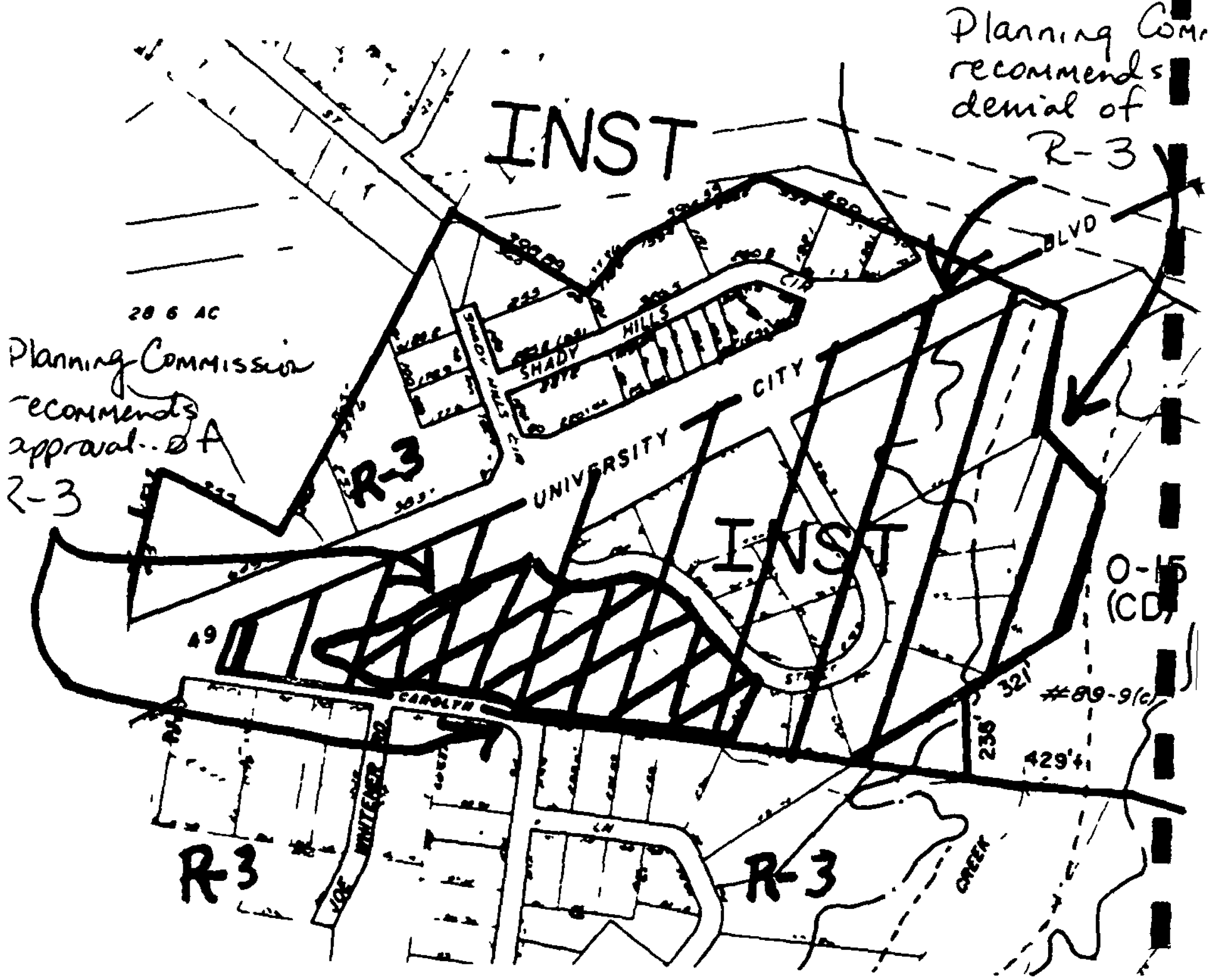
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Shady Hills Community Association

PETITION NO. 92-4 HEARING DATE: February 17, 1992

ZONING CLASSIFICATION, EXISTING: Institutional REQUESTED: R-3

LOCATION Approximately 28 acres located on the southerly side of University City Boulevard (N.C. 49) at Carolyn Lane.



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

PROPERTY PROPOSED FOR CHANGE

DATE· March 23, 1992

PETITION NO.· 92-11

PETITIONER(S) Charlotte-Mecklenburg Planning Commission (Southwest District Plan).

REQUEST Change from O-1 to R-17MF and R-4.

LOCATION: Approximately 165 acres located south of Archdale Drive between I-77 and Old Pineville Road.

ACTION: The Zoning Committee recommends the following actions with respect to this petition. (See Attached Map).

1. Denial of the portion of the petition which includes the approximately 4 acre site located along Old Pineville Road. (the Gibson Smith property).

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer, and Tabor.

Nays: None.

2. Denial of the portion of the petition which includes the undeveloped tract located in the southern portion of the petition (the Gellman property).

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, and McClure.

Nays: Spencer and Tabor.

3. Rezoning of the vacant tract west of the Woodwinds Apartments (the Portrait Homes property) to R-17MF in lieu of the originally requested R-4 district.

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, Spencer, and Tabor.

Nays: McClure.

4. Rezoning of the remainder of the petition to R-17MF as originally requested.

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer, and Tabor.

Nays: None.

REASONS

This petition proposes rezoning from office to a combination of multi-family residential and single family residential. The Zoning Committee took action on the petition in four separate votes.

Gibson Smith property

There was consensus among Zoning Committee that the Gibson Smith property should remain zoned for office use due to the existing commercial uses nearby.

Gellman property

The majority of Zoning Committee viewed the petition with respect to the Gellman property as inappropriate for approval. The Committee felt that the current office category was advantageous to both the requested single family category or a multi-family residential district. The minority opinion viewed the property as more suitable for a multi-family residential category than the existing office zoning.

Portrait Homes Property

The majority of Zoning Committee viewed the Portrait Homes property as more appropriately zoned for multi-family development than for single family uses. The minority opinion viewed the petition as submitted as inappropriate for approval due to the glut of multi-family residential zoning and development in this portion of the community and felt that single family zoning would not be economically viable due to the surrounding development.

Remainder of Petition

The Zoning Committee viewed the balance of the petitioned property as suitable for rezoning to multi-family residential. These properties are all currently developed with multi-family uses.

STAFF OPINION

The staff believes that a residential future is the most appropriate use of the petitioned property.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-11

Date Filed December 9, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See attached list

Owner's Address See attached list

Date Property Acquired

Tax Parcel Number See attached list

Location of Property (address or description) South of Archdale Drive between I-77 and Old Pineville Road

Description of Property

Size (Sq. Ft.-Acres) approximately 165 Street Frontage (ft.)

Current Land Use Vacant and multi-family residential

Zoning Request

Existing Zoning O-1 Requested Zoning R-17MF(CD) R-

Purpose of Zoning Change To carry out the recommendations of the Southwest District Plan, adopted in November, 1991.

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commission

Address of Petitioner(s) 600 E. Fourth ST.

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

Southwest DISTRICT
CITY PET. #6

PETITIONER. Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-11 HEARING DATE: February 17, 1992

ZONING CLASSIFICATION, EXISTING: O-1 (formerly O-15)

ZONING CLASS., REQUESTED: R-17MF (formerly R-9MF) & R-4 (formerly R-9)

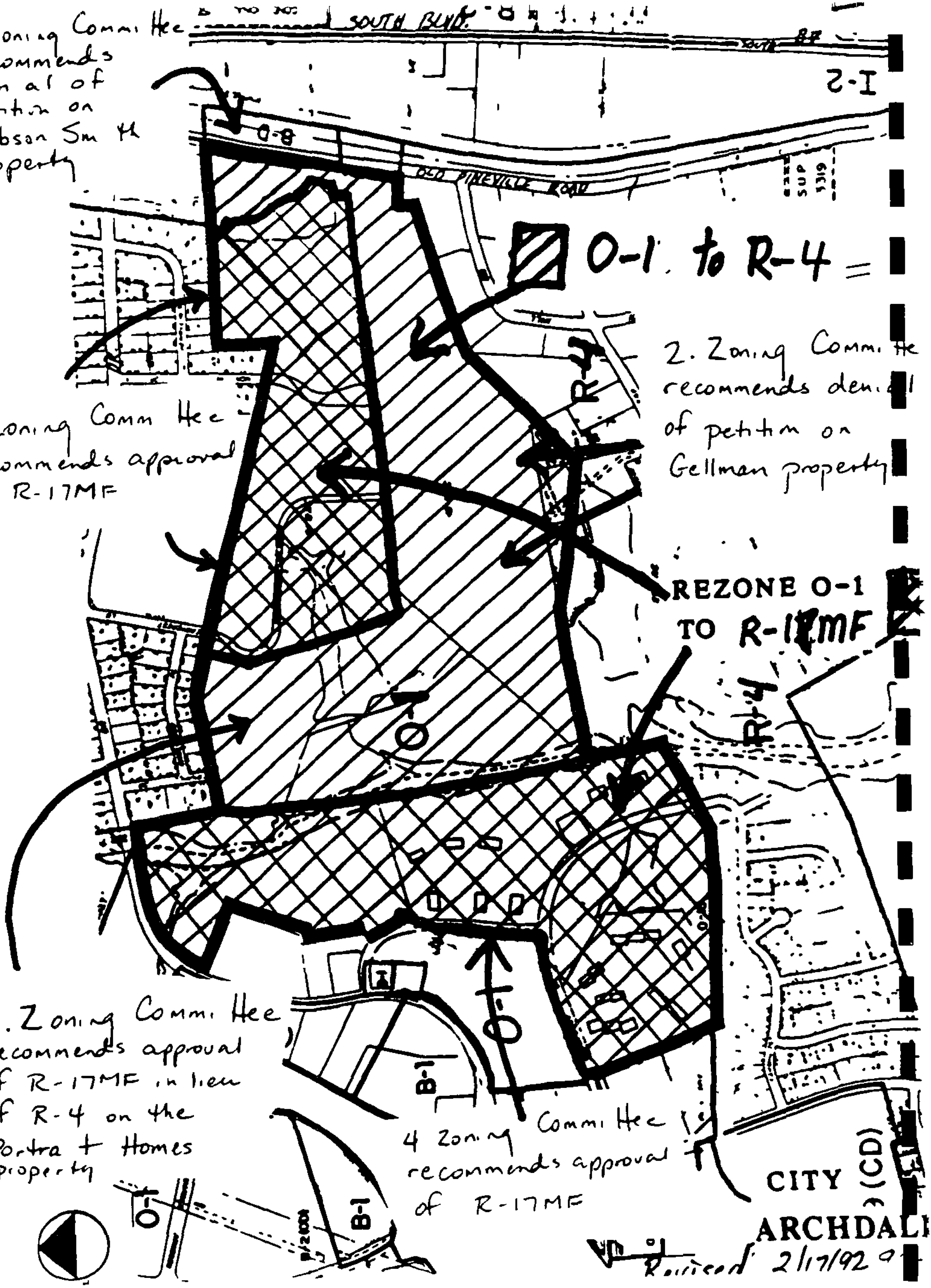
LOCATION: Approximately 165 acres located south of Archdale Drive between I-77 and Ol Pineville Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

1 Zoning Comm. Hee recommends denial of petition on Gibson Smith property



2. Zoning Comm. Hee recommends denial of petition on Gellman property

4 Zoning Comm Hee recommends approval of R-17MF

3. Zoning Comm. Hee recommends approval of R-17MF in lieu of R-4 on the Portrait Homes property

4 Zoning Comm. Hee recommends approval of R-17MF

DATE· March 23, 1992

PETITION NO.: 92-14

PETITIONER(S). Friendship Baptist Church

REQUEST: Change from R-4 to R-22MF.

LOCATION: Approximately 3.8 acres located on the northwesterly side of the intersection of Beatties Ford Road and Fairdale Drive (Friendship Baptist Church).

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer, and Tabor.

Nays· None.

REASONS

This petition proposes a rezoning from a single family residential category to a multi-family residential category in an area in which public plans recognize the existing use of the subject property and existing multi-family development in this area of the Beatties Ford Road corridor. Therefore, the Zoning Committee recommends that this petition approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-14

Date Filed December 30, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Friendship Missionary Baptist Church

Owner's Address 3301 Beatties Ford Road, Charlotte, NC 28216

Date Property Acquired May 26, 1961

Tax Parcel Number 039-121-01

Location of Property (address or description) 3301 Beatties Ford Road, Charlotte, NC;

Northwest corner , Beatties Ford Road and Fairdale Drive

Description of Property

Size (Sq Ft -Acres) 164,717 s.f. Street Frontage (ft.) 439.51' Fairdale Drive 256.24' Beatties Ford Road

Current Land Use Site is used for Church and Educational Building

Zoning Request

Existing Zoning R-9 Requested Zoning R-22MF (LS) [redacted]

Purpose of Zoning Change To increase capacity of the church from 636 seats to 900 seats.

Gantt Huberman Architects
Name of Agent

112 West 5th Street
Agent's Address

334-6436
Telephone Number

Friendship Baptist Church
Name of Petitioner(s)

3301 Beatties Ford Road
Address of Petitioner(s)

392-0391
Telephone Number

x Clyfford C Jones Sr
Signature

Signature of Property Owner
if Other Than Petitioner

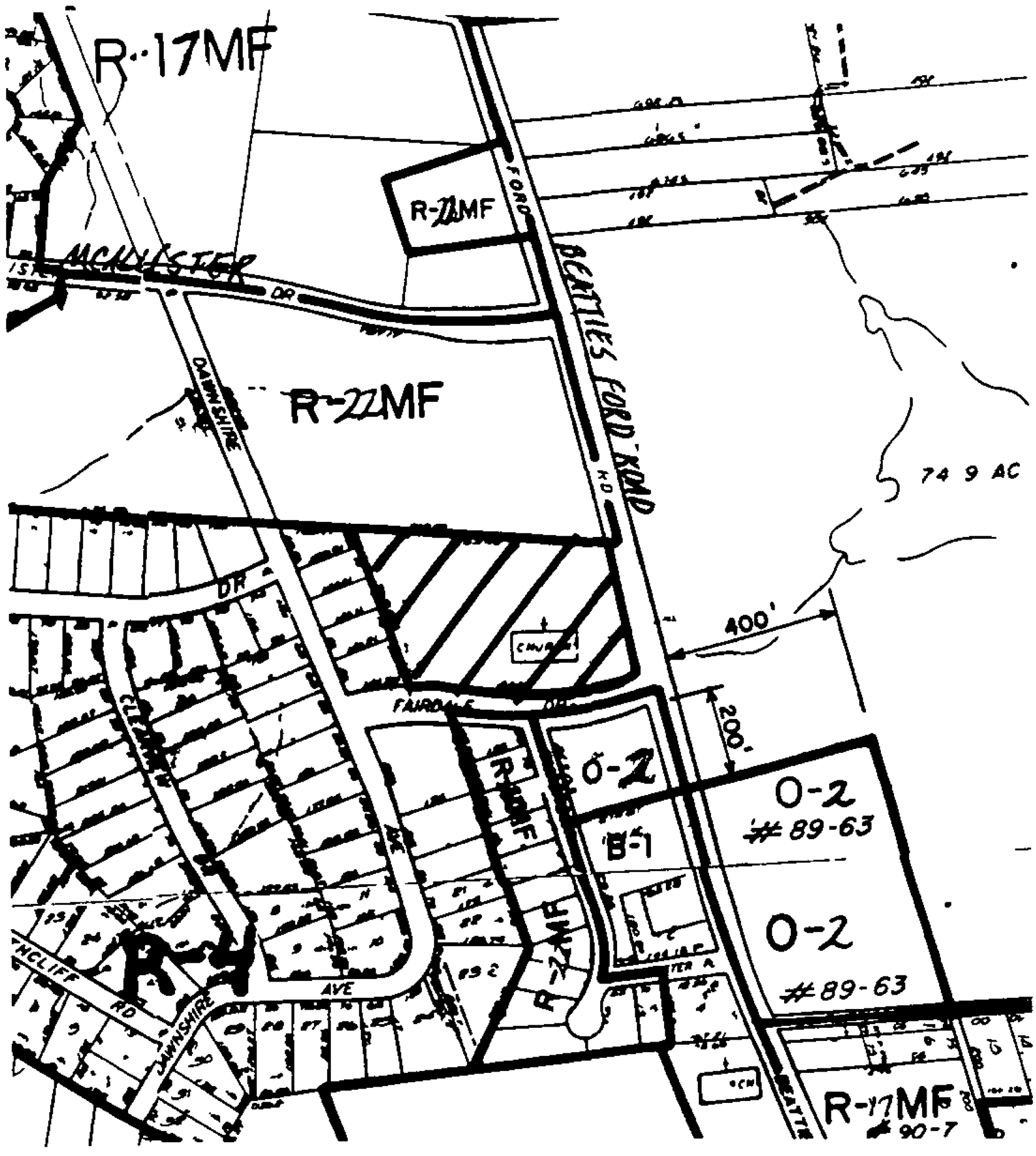
PETITIONER: Friendship Baptist Church

PETITION NO.. 92-14 HEARING DATE: March 16, 1992

ZONING CLASSIFICATION, EXISTING: R-4 (formerly R-9)

ZONING CLASSIFICATION, REQUESTED: R-22MF

LOCATION: Approximately 3.8 acres located on the northwest corner of Beatties Ford Road and Fairdale Drive (Friendship Baptist Church).



ZONING MAP NO(s).. 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: March 23, 1992

PETITION NO.: 92-15

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to limit the use of quarries and sanitary landfills to the I-2 category with prescribed conditions.

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

VOTE: Yeas: Baker, Byrne, Fenning, Lassiter, McClure, Spencer, and Tabor.

Nays: None.

REASONS

The previous City Zoning Ordinance restricted quarries to the I-1 and I-2 districts subject to special requirements and sanitary landfills were permitted in all residential and industrial districts subject to special requirements. The present City ordinance allows both of these uses in all districts under prescribed conditions. The proposed amendment would delete quarries and sanitary landfills from all districts with the exception of the I-2 category. The Zoning Committee views the petition as appropriate and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee. (It should be noted that this proposed amendment does not involve demolition landfills which are permitted in all districts subject to special requirements).

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No. 92-15
Date Filed February 3, 1992
Received By [illegible]
OFFICE USE ONLY

Section No Various sections dealing with quarries and sanitary landfills.
(Title)

Purpose of Change: To delete quarries and sanitary landfills as uses permitted under prescri conditions from all districts, except the General Industrial (I-2) district.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commiss
Name of Petitioner(s)
600 E. 4th St., Charlotte, NC 28202-28
Address of Petitioner(s)
(704) 336-2205
Telephone Number

Signature

DRAFT

ORDINANCE No. _____

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

AN ORDINANCE AMENDMENTS 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 9.101. Table of uses, OTHER USES, by deleting the indication of Uses Permitted Under Prescribed Conditions (PC) for Quarries and Sanitary Landfills from all districts except the General Industrial I-2 district.

2. Amend Section 9.203. Uses permitted under prescribed conditions (Single Family districts), by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (16) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507", from item number (19) and replacing it with the word "(RESERVED)."

3. Amend Section 9.303. Uses permitted under prescribed conditions (Multi-family districts), by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (22) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (26) and replacing it with the word "(RESERVED)."

4. Amend Section 9.503. Uses permitted under prescribed conditions (Institutional district), by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (16) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (19) and replacing it with the word "(RESERVED)."

5. Amend Section 9.603. Uses permitted under prescribed conditions (Research districts), by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (12) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (15) and replacing it with the word "(RESERVED)."

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: March 23, 1992

PETITION NO.: 92-17

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to limit the number of vehicles associated with a home occupation to two at any given time.

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

VOTE: Yeas: Baker, Fenning, McClure, Spencer, and Tabor.

Nays: Byrne and Lassiter.

REASONS

Upon adoption of the new zoning ordinance, one of the issues identified for potential further study related to home occupations. This issue was also raised last year by a group of neighborhood residents and a City Zoning Board of Adjustment case. The present ordinance limits the number of students to two at a time for instruction in music, dancing, and similar subjects. However, there is no such limit on other home occupations such as doctors, lawyers, and architects. This amendment proposes to limit the number of vehicles used by clients or visitors to home occupations to two at any given time. The Zoning Committee recognizes and understands the concerns voiced by the Chamber of Commerce at the public hearing on this petition but viewed the petition as appropriate for approval as written. In recommending the petition for approval, the Zoning Committee recognized that home occupations are good for the community but also believed that residential neighborhoods should be preserved for residential uses only.

MINORITY OPINION

The minority opinion viewed the concerns and questions raised by the Chamber as warranting further study. In addition, a motion was made to modify the amendment to allow four client related cars instead of two. That motion failed for lack of a second.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-17

Date Filed December 30, 1

Received By MKP

OFFICE USE ONLY

Section No 12.408 CUSTOMARY HOME OCCUPATIONS

(Title)

Purpose of Change Amend Section 12.408(9) by deleting the existing language and replacing it with a requirement applicable for all home occupations which would limit the number of vehicles used by clients, patrons, or business related visitors to two at any given time.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commissi

Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC28202-2

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 12.408. Customary home occupations, (9) by deleting the following wording:

   "Instruction in music, dancing and similar subjects must be limited to two students at a time."

   and replacing it with the following:

   "The number of vehicles used by clients, patrons, or business related visitors to any home occupation shall be limited to two at any given time."

Section 2. This ordinance shall become effective upon adoption. All existing home occupations shall comply with the provisions of this amendment within nine months of its adoption.

Approved as to form:

_____
City Attorney

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

_____
City Clerk

ZONING DINNER 4/20/92

Mayer
Campbell ✓
Clodfelter ✓
Hammond ✓
McCrory ✓
Majeed ✓
Mangum
Martin ✓
Patterson ✓
Reid
Scarborough ✓
Wheeler ✓

Ann McClure ✓
Jack Byrne ✓
Ken Bakes ✓
John Lassiter ✓
Sara Spencer ✓
Gloria Fleming
John Tabor ✓
Timothy Meade ✓
Tom O'Brien ✓
Isaac Heard, Jr. ✓

5:15

Hammond
Timothy Meade - Planning Work Plan
McCrory
Meade
Hammond
McCrory -
Meade
McCrory
Jack Byrne

McCrory
Meade
McCrory
Clodfelter
Meade
Martin Cranton
John Tabor
McCrory
John Tabor
Martin
Meade
Wheeler
Meade
Martin
Meade
Martin
Meade
Cranton
Meade
Martin
Meade
Ann McClure
Martin
Cranton
Meade

White - Consolidation -

1- Go forward with functional consolidation with Parks -

2- Have a conversation in Public Safety Committee on Police Consolidation

3- Dr. Parks - concerns for work force, concerns for summer programs

Patterson - move forward - Parks

Clodfelter / Patterson move forward with recommendations

McCrory - Park Rangers go with Dept.

White

Dave Cooke

McCrory

White

McCrory - Can we combine with existing Police Dept.?

Campbell

White

Campbell

McCrory

Scarborough

Winsor

McCrory
White
McCrory
Vinroot
McCrory
Majeed

VOTE - PARKS - NO - Scarborough

Patterson / McCrory - Try to bring back on track, Unan.
Hammond
Patterson
Scarborough
White
Patterson
McCrory
Patterson
McCrory
Scarborough
Patterson
Vinroot
Campbell
McCrory
Vinroot
Patterson / McCrory Lost Gently.

Hammond
White
Hammond
White
Hammond
White
Patterson
Campbell
White
Vesinost
Martin
Wheeler - Cost to County of Carry out gen
then the Law Enforcement Center.

Hammond / Martin - implement Plan Proposed.
Patterson
Scarborough
Wheeler
Scarborough
Vesinost

Adjourn 6:00

ZONING MEETING 4/20/92

Mayor	✓	Ann McClure	✓
Campbell	✓	John Tabor	✓
Clodfelter	✓	John Lassiter	✓
Hammond	✓	Jack Byrne	✓
McCrory	✓	Sara Spencer	✓
Majeed	✓	Ken Baker	✓
Mangum	absent	Gloria Fenning	absent
Martin	✓		
Patterson	✓		
Reid	absent		
Scarborough	✓		
Wheeler	✓		

6:10 p.m

Vinroot
Rev. Gary ~~Langer~~ Gloster
Vinroot
McClure
Vinroot
Martin / Hammond - Add Planning work program to agenda. unan.
Hammond / McCrory - Suspend rules + allow addition. unan.
Vinroot

McCrory #12
Vinroot
Scarborough
McCrory
Underhill
Vinroot
Scarborough / Wheeler - defer # 92-11
#13 to 5/18

Yes

#9 Vinroot 92-24 -
McCrory / Martin - ~~defer~~ continue to 5/18
Hammond
Fields
Hammond
Fields
Hammond
Fields
Martin
Clodfelter
Fields
Vinroot
Hammond
Campbell
No - Martin -

#1 - 91-76 Fields
Vinroot
Bailey Patrick
Vinroot
Hammond / Wheeler Close - Unan

#2 92-5
Vinroot
Fields
Vinroot
Ross Curry
Vinroot
Majed
Curry - No opposition
Martin
Fields
Martin
Fields
Curry
Fields
Martin
Fields
McCrory / Wheeler Close Hrng. Unan.

#3 92-18

Fields
Vinroot
Clodfelter
Fields
~~Martin~~ Clodfelter
Fields
Clodfelter
Fields
Martin
Fields
Martin
Fields
Martin
Fields
Martin
Fields
Vinroot
Miller Jordan
Johnathan Crotty
Gary G Foster
Bob Hedrick
Frank Mansfield
Crotty
Clodfelter

1/4 MILE SEPARATION

John Tabor - advocate for similar ordinance City & County

Crotty
Tabor
McClure
McCrory / Wheeler Close Hrng. Unan.

#4 ~~#4~~ 92-19
McCrory / Martin
Close Hrng.
Unan.

#5 92-20
Campbell / Patterson dispense
filed with Staff Pres

Mark Holloway - For
Patterson / Scarborough Close.
Unan.

#6 - 92-21 - Vinroot
Clodfelter
Patterson / Hammond Close
Patterson
Underhill
Campbell
Vinroot
Clodfelter - Unan.
Fred Bryant
Scarborough / Wheeler Close - Unan.

#1 ~~[illegible]~~ - 9 B Vinroot
Dave Howard
Vinroot
Martin - 92-23 #8
Howard
Martin
Howard
Martin
Howard
Scarborough - I-77 & Reames Rd.
Howard
Scarborough
Howard
Taber
Vinroot
Jim Mead - 92-22, 92-23 & 92-24
Fred Bryant
Ken Andrews - Against
Hammond
Andrews
Hammond
~~[illegible]~~ Vinroot
Majed
Dell Ratcliffe - Against
Fred Bryant

Vinroot
~~Martin~~
Campbell
Fields
Campbell
Fields
Campbell
Fields
Campbell
Martin
Bryant
Martin
Bryant
McCrory
Vinroot
Mead.
#7 Patterson. / Scarborough Close Hearing
Tuesday.
McCrory - No
Wheeler No
Majeed
McCrory
Fields
Vinroot
HB- 92-23
Vinroot

~~Victoria House~~
Anthony Phifer
Vickie House
M. C. Wallace
Scarborough
Wallace
Scarborough
Martin
Scarborough
Wallace
Majed
Scarborough
Hammond
Vinroot
Richard Guiney - Against
Vinroot
Guiney
Scarborough
Guiney
Scarborough
Guiney
Robert Blythe
Martin
Fields
Vinroot
House

Hammond / Wheeler Close
Unan.

#9 92-24 Vinroot
Anita Hart For
Martha Miller For
Lydia McNeary - against
James Kirk "
Bob Bollinger "
Martha Miller For
Patterson / Scarborough Continue Hearing to
5/18 - Unan.

Recess 8:40

#10 Reconvene 8:45

McCrory / Campbell App. Option A
Fields,
Martin
Fillyp
Unan.

#11A 91-77 Hammond / Patterson App. A
Goodfellow - Excluding Morehead
Hammond St.
Mageed Spangler + Ray Ward
Scarborough
VOTE No - Campbell
Hammond

Patterson
Clodfelter

11-B Hammond / Wheeler Approve
Patterson
Clodfelter
Majeed - We should remove business section + vote separately
Clodfelter
Majeed
Scarborough
Campbell
McCrory
Martin
Scarborough
Clodfelter - NORTH OF ALLEYWAY IS RESIDENTIAL
Vinroot
VOTE - Res - No - Scarborough Campbell
Clodfelter - doesn't exclude business area
Bus. Portion - Yes - Hammond
~~Patterson / McCrory~~
~~ALL AYE~~

11-C Patterson / McCrory App Opt. 1
Fields
Clodfelter Comes back at budget time
Howard
Clodfelter Delay funding + Staffing until next fiscal year.

Howard
Clodfelter, Hammond
Scarborough
Vote - Unan.

#12
Patt / Wheeler as recommended
Vincent
McCrory
VOTE - Unan.

#13 Deferred - Motion at beginning of meeting.

#14 Patterson / Scar App.
Unan.

#15 Hammond / Wheeler App.
Unan.

#16 Wheeler / Hammond 2 cars
Fields

Dubert Campbell / Scarborough 3 vehicles
Patterson - problem with zoning administrator
Hammond - prefer 2

Clodfelter Cost to add some personnel
Campbell to Zoning Admin. office
Clodfelter
Scarborough - ~~Co~~
Hammond
Fields - County approved 2 cars
Hammond
Patterson
Martin
Fields
Clodfelter
McCrory
VOTE - 6 - 3 for 3 cars
No Ham, Mar, Wheeler

#17 Patterson / McCrory app excluding 9228

#18 Hammond / Wheeler
Planning Work Program
No Campbell, McCrory

Patterson -

add Auctioneer item to next agenda 4/27

Underhill

Patterson / Wheeler Adjourn

9:30

~~Call Ella Abbott Jack Flynn to Councilmembers consolidation group for 12:00 meeting~~