AGENDA

Meeting Type:	S
Date.	08-21-1990
SUBJECT	Council Commission School Board – East District Plan

City of Charlotte, City Clerk's Office

CITY/COUNTY/SCHOOL BOARD - DECISION EAST DISTRICT

8/21/90 12:30 P.M.

Sue Mypick	Carla DuPuy
Stan Campbell	Ken Andrews ✓
Dan Clodfelter ✓	Rod Autrey
Ann Hammond ✓	Jerry Blackmon
Pat McCrory ✓	Peter Keber ✓
Jon Mangum	Barbara Lockwood
Hoyle Martin ✓	Bob Walton
Roy Matthews ✓	Marie Shook ✓
Cynthia Patterson	George Battle ✓
Ella Scarbrough	Susan Burgess ✓
Richard Vinroot	Sharon Bynum ✓
Lynn Wheeler	Arthur Griffin
	Joe Martin ✓
	Jane McIntyre
	Jim Richards ✓
	William Rickard ✓
	John Tate, III
	Chris Tuttle, ASST. ✓
	CAROL GERBER ✓

Rev. George Battle opened the meeting

McCrory

Cranton 2 TYPES OF REZONING

LAND USE MAP

Andrews

Clodfelter

Cranton - Considering existing + proposed

Clodfelter

Cranton

Clodfelter

Cranton

Clodfelter

Cranton

Clodfelter

Cranton

Andrews

Cranton

Matthews

Andrews

Cranton

Hammond -

Cranton -

Keller - ADOPT PLAN REPRESENTED BY MAP.

Cranton

Keller

Clodfelter AFTER PROS + CONS - PLANNING COMMISSIONS BELIEVES FUTURE IS..

Keller

Cranton

Matthews

Cranton

Andrews

Cranton

Howard - Boundaries of Albemarle, Plaza,

Clodfelter

Howard - 2 areas for study
1 - Albemarle bet Harrisburg/Wilson
Grove
2 - BV Bdlk - Indep/Eastway

Battle

Andrews

Joe Lesch

Andrews

Leper

Howard

Clodfelter

Howard

Matthews - schedule for Albemarle Wilder.

Lesch

Matthews

Howard - Hearings Mar or Apr. 91

Matthews - 4 LANE?

Howard Yes

Matthews

Lesch

Howard

Matthews

Howard

Howard

Battle

Clodfelter

Howard

Battle

Howard

Clodfelter

Howard

Clodfelter

McCrory

Howard - Bailey Patrick's letter

Wallace Ln - Albemarle

Clodfelter

1- Any discussion on Plaza?

Howard - Central District covers it

Clodfelter

Howard

Clodfelter - 2- P. 14. BASE DENSITY 4 PER ACRE -

RECOMMENDATION

Howard

Clodfelter

Howard

Clodfelter

By Council - working

Hammond - Light rail corridors Guidelines

Howard

Hammond

Howard

Hammond

Howard

Hammond

Clodfelter

Howard

Clodfelter

Howard

Clodfelter

Howard

Clodfelter

Howard

Battle

McCrory - RE-EVALUATE JOINT MEETINGS
1- BUDGET, ROADS, CRIMINAL
JUSTICE ITEMS

Battle

McCrory

Hammond

McCrory

Matthews

Bynum

Battle

Hammond

McCrory

Battle

Fulk - Lebanon Rd. Elementary Open

Battle

Clodfelter - NE District Plan:

Clodfelter - Are we going to put schools on edge of an area or central to area?

Howard

Battle

Burgess

Clodfelter

Battle

Richards - Decide what plan will be for next 10 years

Battle - Adjourn 1:25

Joint Luncheon Agenda
August 21
12:00

Revised Agenda

1. Discussion and approval of East District Plan

   - Consider change to corrective rezoning section (attachment)
   - Consider the following rezoning issue areas:
     - Albemarle Road Rezoning Issue Area
     - Eastway Drive Rezoning Issue Area
   - Wallace Lane Area
   - Adoption of Plan

RECEIVED
AUG 20 1990
OFFICE OF CITY CLERK

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

TO: Mayor Sue Myrick,
Members, City Council
Chairperson Carla DuPuy,
Members, Board of County Commission
Chairman George Battle, Jr.
Members, Board of Education

FROM: David A. Howard, Community Planning Manager

DATE: August 16, 1990

Attached to this memo please find the following information for the meeting on August 21.

1. Agenda
2. Draft transcript of hearing
3. Attachment to consider change to corrective rezoning section

If you have any questions, please call me at 336-2205.

DAH:sls

Attachment

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

Joint Luncheon Agenda
August 21
12:00

1. Discussion and approval of East District Plan

   - Consider change to corrective rezoning section (attachment)

   - Adoption of plan

REZONING CONSIDERATION

Corrective rezonings are sometimes necessary to remedy zoning conflicts that allow incompatible uses adjacent to each other and accelerate the decline of areas. This tool is also used to promote concepts of a land use plan by prohibiting potential for development that is contrary to the future plan.

The EAST DISTRICT PLAN offers for consideration the appropriate rezoning for a given circumstance or condition. This consideration is suggested in the following ways:

- A Specific Rezoning Classification is recommended.

  This procedure typically applies to single parcels, or a very few parcels covering a small area. A specific rezoning category is recommended for consideration together with the existing zoning through a subsequent Public Hearing.

- A Rezoning Issue Area is recommended.

  This procedure typically involves many parcels, covers a large area or involves a variety of rezoning choices. The intention of this procedure is to highlight the situation that calls into question the suitability of the existing zoning pattern for the issue area.

  The issue area delineation does not include a specific zoning recommendation, but rather, it will include specification of rezoning choices which together with the existing zoning will be considered through a subsequent Public Hearing.

The following REZONING ACTIONS are suggested:

REZONING CLASSIFICATION

- R-9MF to R-9: Properties along Sally Lane are currently zoned multi-family but have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with the existing and proposed land use.

- R-6MF to R-9: Properties along Winterfield Place are zoned multi-family. These properties have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with existing and proposed land use.

- R-6MF to R-9: Properties along Purser Drive and Finchley Road are currently zoned multi-family yet have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with existing and proposed land use.

- B-1SCD to Site Plan Amendment: Property along Milton Road is currently zoned B-1SCD. There is an existing convenience store on

the property with the rest vacant. The site plan amendment is recommended to strengthen edge relationships of the proposed center with adjacent residential uses.

REZONING ISSUE AREA

1. Albemarle Road/Harrisburg Road

   - The properties in and around the area bound by Harrisburg Road, Albemarle Road and the Norfolk-Southern Railroad Tracks are collectively recommended as a rezoning issue area. Existing zoning includes industrial and business categories surrounded by single family areas. An array of light industrial and business uses have developed along this section of the Albemarle Road Road Corridor. Uses include a junkyard, used car sales, contractor offices, retail outlets and single family homes. The type of uses that exist in this predominantly industrially zoned area have created poor land use relationships and a visually blighted corridor.

     Because much of the land in the Albemarle Road/Harrisburg Road area is vacant and many of the existing establishments are old and perhaps not the long term use for the land, the opportunity for redevelopment/new development exists. The type of development that occurs in this area will set the tone for new development surrounding the area in question and will foster an image - positive or negative - for the eastern end of the Albemarle Road corridor. If the existing zoning remains, it is questionable that the type of development that will result will enhance the image of the area and the corridor.

     The rezoning choices that should be considered for this study area are:

     - Industrial (I-1) - Industrial zoning should be considered because it is scarce in East Mecklenburg County. Many of the existing land uses require I-1 zoning for expansion. However, industrial zoning has allowed for the development which has contributed to the poor land use relationships and blighted streetscape in this area.

     - Business (B-2, B-1) - Business zoning is appropriate for many of the existing uses in the area. However, the pattern in this area has created and will continue to create a commercial strip if the current zoning remains.

     - Office (O-15, O-6) - Very little office zoning or few office uses exist in the study area. Office zoning offers an alternative nonresidential use along this major arterial in lieu of industrial or business zoning.

- Multi-family - Multi-family zoning would allow for transit supportive uses in this major thoroughfare and light rail corridor. It would also complement a recently approved commercial center and existing commercial and employment uses, thus creating a mixed use center.

2. Eastway Drive/Independence Boulevard

A rezoning study area is recommended for the properties along Eastway Drive, just north of Independence Boulevard. Offices, single family homes and vacant land exist in this O-6 zoned area. Single family homes have converted to office uses along Eastway, a high traffic volume corridor. Adjacent to the office uses are single family homes and vacant land.

If the existing zoning remains, new office development on properties currently occupied by homes is likely, which will alter the character of the neighborhood edge. The rezoning choices that should be considered for this area include:

- Office (O-6) - The properties in the issue area are currently zoned O-6. Office zoning will allow for continued growth of existing office uses and further conversion of single family homes to office uses. However, additional office development will in turn foster pressure for additional nonresidential zoning along Eastway Drive. A change to nonresidential uses would be contrary to the historical residential character of this corridor and impact adjacent single family homes.

- Multi-family (R-6MF) - Multi-family zoning would eliminate the potential for additional non-residential uses in this area. Higher density multi-family uses would be assured and be supportive of mass transit policies in the Eastway and Independence Boulevard Corridors. However, a change of zoning to multi-family would make existing office uses nonconforming uses limiting their ability to expand. Deterioration of these structures may result if business do not reinvest in their properties because of the lack of growth potential.

August 13, 1990
City Council/County Commission
Planning Commission Joint Meeting
East Distrct Plan
Minute Book 96 - 1

The City Council of the City of Charlotte, North Carolina; the Mecklenburg County Commissioners and the Mecklenburg Planning Commission convened for a Public Hearing on the East District Plan at 6:06 p.m. on Monday, August 13, 1990, in the Meeting Chamber of the Charlotte-Mecklenburg Government Center. Mayor Pro Tem Patterson presided. Councilmembers present were Ann Hammond, Hoyle Martin, Roy Matthews, and Richard Vinroot. County Commissioners present were Chairman Carla DuPuy, Ken Andrews, Rod Autry, Jerry Blackmon, Peter Keber, Barbara Lockwood and Bob Walton.

ABSENT: Mayor Sue Myrick, Councilmembers Stan Campbell, Dan Clodfelter, Pat McCrory, Tom Mangum, Ella Scarborough and Lynn Wheeler.

* * * * * * *

Mayor Pro Tem Patterson explained that they would not have a presentation of the East District Plan, therefore would start with the people signed up to speak to this issue.

Tom Scott, 428 East Fourth Street, stated he was speaking on behalf of B. V. Belk, Jr. who owns approximately 7 acres located at the intersection of Independence Boulevard and Eastway Drive in the north/east quadrant. The property is currently zoned O-6, however, the District Plan proposes that the property be down zoned to R-6MF. This proposed down zoning does not make good land use sense for a number of reasons. First, residential use is not desirable at an intersection at, which according to a 1988 traffic count prepared by C-DOT, shows an average daily traffic count of approximately 110,000 cars. The best he can determine form the study, this intersection may be second only to I-77 and I-85 in terms of absolute volume. It is one of the top intersections in this area. He cannot imagine anyone wanting to live in such a heavy traffic environment. With the improvements proposed to Independence and to a limited access freeway/expressway the noise will be deafening, once the higher speeds are permitted. For the very reasons this property is not suited for residential, it is suited for higher intense commercial or office use. With the completion of the construction of Independence Boulevard, it will be even more important to concentrate more commercial office type developements at those intersections proposed for access. This intersection is one of those such access points.

Numerous establishments along Independence who will be displaced by the widening have contacted him about this property and it is a natural that this intersection might help meet those needs. All properties which have direct frontage along Eastway Drive near Independence Boulevard would probably be best suited for office or commercial type development. Certainly some of the recent rezonings which have taken place along Eastway Drive indicate that more intense land uses are needed in this immediate area.

Mr. Scott stated they have a proposed development plan for the property which proposes an O-6 use in the event the East District Plan is approved, if the property comes up for rezoning, he certainly hopes they will see fit to keep the property zoned as is, which is and has been the best land use for the property.

Bailey Patrick, 900 Baxter Street, stated he was speaking on behalf of Carolyn Emery and other heirs of the E. F. Wallace Heirs. He pointed out the location of the property which is just west of the Albemarle Road and W. T. Harris Boulevard intersection and is currently zoned R-12. It is situated between two areas being recommended for multifamily. The property has been in one family's ownership for a number of years and there is nothing but family residing in that area.

Mr. Patrick stated it is difficult to tell from the small plan whether this area is designated for multifamily use or not. He would submit that is the most appropriate long range use for the plan given a couple consideration. Its close proximity to the offices to the rear and the shopping at the corner of Albemarle and Harris Boulevard; the fact that Wallace Road will be designated to have a cut in the median on the new road when it is built and the fact that it is slightly developed now from a density viewpoint. It

is going to be a natural for someone to come along and put together a nice multifamily project there.

He stated he realizes the way the general plan policy document is worded that they really do not have to specify specifically a multifamily use, but from a record standpoint, he wanted to bring this property to their attention, particularly since it appears that it has been designated for residential in this current plan. Between multifamily on either side and most recently they had an R-20MF innovative, the Belk Property, to the rear of Wallace Road.

Councilmember Matthews asked Mr. Patrick if he believes the Plan is single family and they want it to show multifamily, to which Mr. Patrick pointed out the property and stated it is clearly not designated apartments, but you can see there are apartments around it. The access is off of Harris Boulevard and it would not create any cut through traffic.

Mr. Martin asked if this was not in a flood plain?

Mr. Patrick stated it did not appear to be when he looked at it the day before, it was pretty land.

Mayor Pro Tem asked the City Clerk when this was scheduled for a decision, to which Ms. Sharkey stated the meeting was scheduled for Tuesday, August 21, at noon.

Mr. Matthews stated there are some figures of which he cannot fine in the material, one is that 35 percent of the existing dwelling units in the East District are multifamily. He asked Mr. Lesch of the Planning Staff if he had calculated how many more dwelling units would be possible if all of the areas designated as future multifamily were to be developed that way?

Joe Lesch, Planning Staff, stated he did not have that information with him, they have looked at that and developed those numbers as they went along. He can get that information to the Council.

Mr. Matthews stated that approximately 50 percent of all of the multifamily units which have been built in the City of Charlotte in the past 10 years have been built in this geographical area.

Mr. Lesch stated that is correct and includes all the large concentrations along Independence Boulevard as well as Albemarle Road.

Lenard N. Ferguson, 9415 Ferguson Road, stated he and his wife own a piece of property at 9832 Albemarle Road. He pointed out the location of his property on the East District Plan map and stated he was there to address that area. Their understanding is that this is proposed to be zoned office and all of the planned development will be out of compliance with this zoning ordinance and he would like to point out that these people are not the Harrises of southeast Charlotte, but they are people who have plans and dreams and family businesses. They would not like to see the property zoned to the point that they could not continue to operate or expand their businesses in this area. He stated these people are the salt of the earth, they have a future, have taken their life's savings, as he and his wife did, and paid a premium for this property with this particular zoning so they could continue their family tradition of working together. They have invested a lot of their life's savings and it would be hard to recoup these or just give them up for some down zoning. They are really looking at not just his and his wife's future, but the future of many families out there when they down zone property. That is a major impact on people. He stated he has talked with the Planners who told him that was not their responsibility or their worry, but it is certainly his worry and he is asking the Council and Commission, as their representatives to act on their behalf and continue the present zoning. If they change the zoning all they will be doing is prolonging the agony of any investment because people cannot afford to invest in lower zoned property. They cannot expand or modernize their businesses when they are out of compliance. This would be an economic impact on the City as well as he and his family and all the other people out there.

mpl

Sandra B. Ferguson, 9832-A Albemarle Road, stated she was a CPA in the area and represents many of the small businesses in the area. She has talked to several of the business people in the area and they have asked her to express to the Council and Commissioners that they too oppose the rezoning. Ms. Ferguson read the following letter from John Hackney, owner of Hackney Hearing and Air Conditioning Service:

"Dear Sirs:

We own property located at 9822 Albemarle Road. We operate a heating and air conditioning installation and repair service. We've been at this location for approximately four years. We purchased this property and paid a higher price for it because of the zoning, and we are strongly opposed to the rezoning and downgrading from I-1.

The owners of the property have all chosen this area because of the location and zoning, and have paid dearly for it. The widening of Albemarle Road leaves this property and all property on Albemarle Road unsuitable for residential use. It seems very discriminatory that you will zone the corner at Wilgrove intersection and at the other end at Harrisburg Road for commercial.

We want to voice an extreme opposition. We also feel it to be very peculiar that this rezoning keeps coming up and land owners meet time after time to express our opposition to deaf ears. We win a battle, but lose the war.

We would like for our representatives to work with us, not against us, for the future progress and growth of Charlotte."

John D. Hackney

Mr. Ferguson stated that Mr. Hackney is her business neighbor as she has an office right beside him at 9832-A Albemarle Road.

Mayor Pro Tem Patterson stated when they adopt this plan it will set into motion over time, probably some down zonings, but the adoption of this plan will not be an automatic down zoning. On any of the down zonings they would have another opportunity to be heard and to lobby the Council Members or Commissioners.

County Commission Chairman Carla DuPuy stated they had a very good discussion at dinner about changing the way it even appears in the plan so there is not any misconception that adoption of the plan means an automatic down zoning. They will be discussing that prior to the adoption of any future plans, so they are not sending the wrong message with the idea of taking that big picture look. They have not made any decisions as a group, but will be looking at some options on how to present that so it is in more in line with actually what is happening.

Commissioner Autry stated one other point was brought up before the public hearing at the dinner session is that they need to make sure they have provided for enough industrially zoned property. This is not to say specifically that they were discussing this particular piece of property, but it is something they are concerned about and will be paying attention to it.

Councilmember Matthews asked Mr. Lesch if he knew how many of the properties that are in that strip would be nonconforming, to which Mr. Lesch stated in the area Ms. Ferguson address, at least half of the properties would be nonconforming. There are some vacant properties and some are still used for residential, as well as some industrial uses, some uses which need an I-1 zoning.

Bill Ford, P.O. Box 57166, stated he was with Charter Properties and would like to discuss properties framed by Albemarle Road, Harrisburg Road and Pence Road. There are approximately 30 acres and in the fall of 1989 they requested rezoning of this property to B-1SCD and it has been brought to their attention, and they thought, at the same the Council approved the rezoning of this that it was also the necessary motion that would modify

the East District Plan. In looking at the map and reading the text, it is a little ambiguous and he would like to make sure they have an understanding on what the East District Plan says.

Mr. Lesch stated the property Mr. Ford just addressed is east of Harrisburg Road. The recommendation of the plan is that the properties on the north side of Albemarle Road and on the east side of Harrisburg Road, which is currently zoned I-1, be considered to be rezoned to B-2, so they are in effect saying that there is a need and the potential for additional retail development in addition to the site Mr. Ford has on the west side of Harrisburg Road.

Mr. Ford stated there seems to be some confusion in reference to looking at the map and the text that it does not address the property they had rezoned.

Mr. Lesch indicated to Mr. Ford that his property was shown in the retail color which is red on the map.

[There being no further speakers, a motion was made by Councilmember]
[Hammond, seconded by Councilmember Patterson, and carried unanimously,]
[to close the hearing.]

* * * * * * *

ADJOURNMENT

The meeting adjourned at 6:28 p.m.

Pat Sharkey, City Clerk

Length of Meeting· 22 Minutes
Minutes Completed: August 14, 1990

mpl

SANDRA B. FERGUSON

Certified Public Accountant

9832 A Albemarle Road
Charlotte, NC 28227
Phone:(704) 545-5513

August 20, 1990

Dear City Council or County Commissioner Member:

I wish to oppose the downzoning of the area of Albemarle Road between Harrisburg Road and the city limits as recommended by The Planning Commission in the East District Plan.

I have had my office in this area for four years; first, on the north side of Albemarle Road in a building that was recently torn down for the new highway, and then accross the street in a building I recently purchased with my husband. We paid a premium price for the property, which we have plans for, that would not be allowed if the zoning were changed.

This downzoning vitally affects people's property values and future plans. Please withdraw this area from the East District Plan and allow the property owners to improve their property in accordance with the current zoning.

Thank you,

Sandra Ferguson

Sandra B. Ferguson, C.P.A.

SBF/pm

8/20/90

Dear City Council and County Commission Members;

Subject: East District Plan
Down Zoning

Help us save money for both the property owner and the city County Government by withdrawing the "Down zoning" of Albemarle Road property between Wilgrove Mint Hill Road and Harrisburg Rd.

I have not found one affected property owner in favor of the proposed Change. The previous Planning hearings have been a major expense already to the affected property owners. Please do not cause us to spend additional money to continue to represent our cases at future hearings.

Please withdraw this area from the proposed Plan.

Thanks in advance for your help.

Lenard N Ferguson
9832 Albemarle Rd
Charlotte NC 28227

From East District Plan

- R-9MF to R-9: Properties along Sally Lane are currently zoned multi-family but have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with the existing and proposed land use.

- R-6MF to R-9: Properties along Winterfield Place are zoned multi-family. These properties have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with existing and proposed land use.

- R-6MF to R-9: Properties along Purser Drive and Finchley Road are currently zoned multi-family yet have developed with single family homes. The corrective rezoning is recommended to bring the existing zoning in line with existing and proposed land use.

- B-1SCD to Site Plan Amendment: Property along Milton Road is currently zoned B-1SCD. There is an existing convenience store on the property with the rest vacant. The site plan amendment is recommended to strengthen edge relationships of the proposed center with adjacent residential uses.

- O-6 to R-6MF: Property along Eastway Drive at Independence Boulevard is currently zoned for office use (O-6). The East District Plan recommends residential uses along this section of Eastway Drive, therefore, the corrective rezoning is recommended to bring existing zoning in conformance with proposed land use. The plan would allow for a multi-family high rise development on this site contingent upon a favorable site plan review through the conditional rezoning process.

* Please withdraw

* - I-1 to B-2: Properties along the north side of Albemarle Road between Harrisburg Road and Wilgrove-Mint Hill Road are currently zoned I-1. The East District Plan recommends retail uses in this area, therefore, the corrective rezoning is recommended to bring existing zoning in conformance with proposed land use and to eliminate the potential for additional industrial uses in that area.

* - I-1 to B-2: Properties along the south side of Albemarle Road between Wilgrove-Mint Hill Road and Barfield's Equipment (included) should be rezoned to B-2. The corrective rezoning is being recommended to bring existing zoning in line with proposed land use.

* - I-1 to O-6: Properties along the south side of Albemarle Road between Barfield's Equipment and Manchester Lane are currently zoned I-1. The East District Plan recommends that the future land use be office for this frontage along Albemarle Road. The corrective rezonings are recommended to bring existing zoning in line with future land use.

BV BELK
Investments & Development

August 15, 1990

Mr. David A. Howard
Community Planning Manager
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202-2853

Re: Tax Parcel No. 131-08350, 131-08352, 131-08351
131-08349, 131-08342, 131-08341
7+ acres located at the northeast quandrant of
Independence Boulevard and Eastway Drive.

Dear Mr. Howard

This letter serves as the undersigned's written comments regarding the proposed East District Plan and its potential negative impact on the above referenced property which is owned by me The referenced property is currently zoned 0-6; however, the District Plan proposes that the property be downzoned to R-6MF The proposed "corrective rezoning" is discussed on page 16 of the East District Plan. This proposal for downzoning does not make good land use sense for a number of reasons.

First, residential use is not desirable at an intersection which, according to a 1988 Traffic Count prepared by the City of Charlotte-Department of Transportation, indicates an average daily traffic count of approximately 110,000 cars. As best as I can determine from this study, this intersection may be second only to the I-77 and I-85 interchange in terms of absolute volume. It is hard to imagine anyone wanting to live in such a heavily trafficked environment. With the improvements proposed for Independence Boulevard into a limited access "freeway/expressway", the noise will be deafening once higher speeds are permitted. Even if the property were currently zoned multifamily, we would approach City Council about a rezoning to an office or commercial use which would be more appropriate and marketable land uses. Certainly, no one has approached us about buying this property for multifamily use and the likelihood for the same is non-existant. It just does not make sense.

Charlotte National Building• 428 E Fourth Street• Suite 204• Charlotte, NC 28202
704 375 3800 • Fax 704 375 9073

BV BELK
Investments
& Development

Second, for the same reasons the property is not suited for residential use, the property is ideally suited for commercial or office development. With the completion of the construction of Independence Blvd., it will be even more important to concentrate commercial or office type developments at those intersections proposed for access. This intersection is one such access point. Several businesses along Independence Blvd. who will be displaced by the widening have made preliminary contacts with us regarding the property It is natural that this property might help meet the needs of some of those displaced. All properties which have direct frontage along Eastway Drive near Independence Blvd. will be best suited for commercial or office development. Certainly, the rezoning recently approved by City Council for the Wal-Mart center on Eastway Drive near my property indicates the Council's belief that more intense land uses are needed in this immediate area.

For your information, I have, and have had, a proposed development plan for this property which proposes the 0-6 use. In the event the East District Plan is adopted, and this property comes before City Council for rezoning, I will do everything possible to insure that the property remains as currently zoned which is, and, has been, the best land use for the property.

Thank you for your consideration of the above.

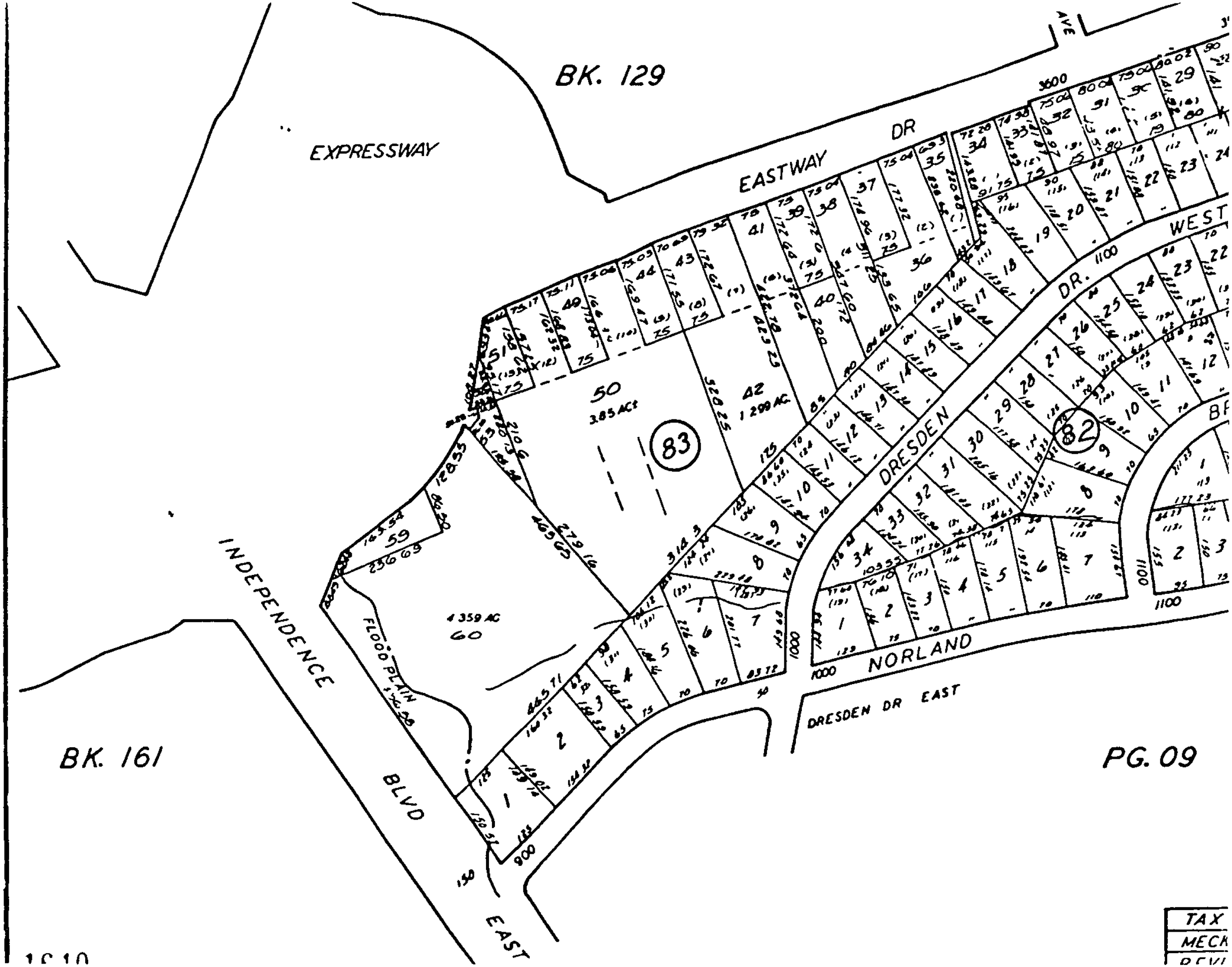
Sincerely,

B.V. Belk Jr

B.V. Belk, Jr.

cc. City Council Members

Charlotte National Building• 428 E Fourth Street• Suite 204• Charlotte, NC 28202
704 375 3800 • Fax 704 375 9073


BK. 129
EXPRESSWAY
EASTWAY DR
WEST DR.
DRESDEN
NORLAND
DRESDEN DR EAST
INDEPENDENCE BLVD
EAST
FLOOD PLAIN
83
82
50
3.85 AC±
42
1.299 AC.
59
2.36 AC
60
4.359 AC
BK. 161
PG. 09
TAX
MECK

REULE

COMMERCIAL INVESTMENT REAL ESTATE SERVICES
Real Estate Consultants

August 20, 1990

Mr. David A. Howard
Community Planning Mgr.
Charlotte Mecklenburg Planning Commission
600 E. 4th Street
Charlotte, NC 28202-2853

Re: 000-009.390
Eastwind Shops
9929 Albemarle Road
Charlotte, NC
East District Plan

Dear Mr. Howard:

Mr. C. M. Ellington, President Ellington Construction Company Inc. has passed along a notice dated July 30, 1990 to us and asked that we respond to same on his behalf.

The subject property is slated for rezoning from I-1 to B-2.

B-2 will not allow for the construction of mini-warehouses for which we had previously applied for a building permit.

We have not only business tenants in Eastwind Shops, but tenants who require industrial zoning because of the storage involved in their particular business. We request that you not undermine the purpose for which this property was built by rezoning it to B-2.

If you should have any questions, please do not hesitate to give us a call.

Very truly yours,

REULE REALTY CORPORATION

David P. Reule, CCIM
President
DPR/mep

cc: Ellington Construction Co.

REULE REALTY CORPORATION

COTSWOLD CENTRE SUITE 230
319 S SHARON AMITY ROAD
CHARLOTTE N C 28211
704 366 1811
FAX 704 366 -782

PLEASE
REPLY TO

THE RODDEY TRUST BUILDING
TWO LAW PLACE SUITE 125
ROCK HILL S C 29730
803 329 1590

Bonnie Thompson
9807 Alsemarle Rd
Charlotte, NC 28227

CHARLOTTE NC 1PM JUN 7 1990

Charlotte-Mecklenburg Planning
600 East Fourth St
Charlotte NC
28202-2853

I would like for my property to stay I-1

Bonnie Thompson
&
Archie Thompson
9807-Alsemarle Rd
Charlotte, N.C
28227

HACKNEY'S AIR CONDITIONING
AND HEATING SERVICE
9822 Albemarle Road
Charlotte NC 28227
545 0050

8-13-90

CITY COUNCIL OF CHARLOTTE
COUNTY COMMISIONERS

DEAR SIRS:

WE OWN PROPERTY LOCATED AT 9822 ALBEMARLE ROAD. WE OPERATE A HEATING AND AIR CONDITIONING INSTALLATION AND REPAIR SERVICE. WE'VE BEEN AT THIS LOCATION FOR APPROXIMATELY FOUR YEARS. WE PURCHASED THIS PROPERTY AND PAID A HIGHER PRICE FOR IT BECAUSE OF THE ZONING, AND WE ARE STRONGLY OPPOSED TO THE REZONING AND DOWNGRADING FROM I-1.

THE OWNERS OF THE PROPERTY HAVE ALL CHOSEN THIS AREA BECAUSE OF THE LOCATION AND ZONING, AND HAVE PAID DEARLY FOR IT. THE WIDENING OF ALBEMARLE LEAVES THIS PROPERTY AND ALL PROPERTY ON ALBEMARLE ROAD UNSUITABLE FOR RESIDENTIAL USE. IT SEEMS VERY DISCRIMINITORY THAT YOU WILL ZONE THE CORNER AT WILGROVE INTERSECTION AND AT THE OTHER END AT HARRISBURG ROAD FOR COMMERCIAL.

WE WANT TO VOICE AN EXTREME OPPOSITION. WE ALSO FEEL IT TO BE VERY PECULIAR THAT THIS REZONING KEEPS COMING UP AND LAND OWNERS MEET TIME AFTER TIME TO EXPRESS OUR OPPOSITION TO DEAF EARS. WE WIN A BATTLE, BUT LOSE THE WAR.

WE WOULD LIKE FOR OUR REPRESENTATIVES TO WORK WITH US, NOT AGAINST US, FOR THE FUTURE PROGRESS AND GROWTH OF CHARLOTTE.

SINCERELY,

JOHN D. HACKNEY
(OWNER) HACKNEY HEATING & AIR.

JDH/ks

August 15, 1990

Community Planning Manager
David A. Howard,

I think the Property that is zoned I-1 should stay I-1, because it has the Railroad running at the back of the Property.

Lot # 4. Deed #1386244
Book 111 - Page 171
9815 Albemarle Rd.

Property owners,
Floyd H Davis
Mary T. Davis

LAW OFFICES

PERRY PATRICK FARMER & MICHAUX
PROFESSIONAL ASSOCIATION

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ROBERT E PERRY JR
BAILEY PATRICK JR
B D FARMER III
ROY H MICHAUX JR
RICHARD W WILSON
JAMES G WALLACE
CAROLYN G HISLEY
BRYAN W PITTMAN
LAURA L YAEGER
RICHARD W MOORE
TIMOTHY E CUPP
W RICHARD JAMISON
J CHRISTOPHER OATES
ANN A WATKINS
LESLIE MILLER WEBB

RALEIGH OFFICE
3724 NATIONAL DRIVE
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POST OFFICE BOX 30158
RALEIGH NORTH CAROLINA 27622 0158
(919) 787 8812

MEMORANDUM

TO: MEMBERS OF THE CITY COUNCIL AND
MEMBERS OF THE COUNTY COMMISSION

FROM: BAILEY PATRICK, JR.

DATE: AUGUST 15, 1990

RE: EAST MECKLENBURG DISTRICT PLAN -
PROPERTY FRONTING ON WALLACE AVENUE
AND THE WESTERN MARGIN OF HARRIS BOULEVARD
(FORMERLY DELTA ROAD)

At the Public Hearing on August 13, 1990, I spoke on behalf of Carolyn W. Emery and her neighbors with respect to the most logical future use of their properties.

Based on my review of the proposed Land Use and Transportation Plan which appeared at the end of the printed East Mecklenburg District Plan, it appeared that my clients' properties were being recommended for multi-family use in the future. I discovered, however, upon a review of the large map which was on display at the Public Hearing that the proposed East Mecklenburg District Plan recommends that this property be used for single-family purposes in the future.

A map of the properties involved is enclosed for your review. Currently, the property is zoned R-12.

My clients sincerely believe that the highest and best use of their properties in the future and the use which will most benefit the Community is not single-family development. They have reached this conclusion for the following reasons, among others:

1. The City Council in 1989 approved a Petition to rezone a large tract of property adjoining the rear of our clients' property and fronting on Wallace Road from R-12 to R-20(MF). This development's only access is Harris Boulevard by way of Wallace Avenue. As a consequence, the stage has already been set for higher density residential development along Wallace Avenue

and our clients believe that it is unfair to burden them with the higher density R-20(MF) development without allowing an upgrading in density for their adjoining properties.

2. Our clients' properties have, by way of Wallace Avenue, direct access to Harris Boulevard, a major thoroughfare, and are located but a short distance from its intersection with Albemarle Road, another major thoroughfare.

3. These lots are owned by the heirs of a common ancestor and therefore could readily be assembled into one single tract.

4. The property has been in the Wallace Family for over 100 years and in recent times my clients have witnessed their neighborhood change from one of a rural character to one consisting of a high density urban-like fabric.

5. The lots lie between two large parcels which have already been developed into Apartment Projects (English Village and Delta Crossing).

6. Harris Boulevard is scheduled to be widened to a four-lane highway and Wallace Avenue, the road which serves our clients' lots, has been identified for one of the few median cuts along this portion of Harris Boulevard.

7. The property is in walking distance of a variety of retail services.

8. The East Mecklenburg District Plan's proposed Land Use and Transportation Plan contemplates multi-family uses to the north, south and east of our clients' properties. Given the proposed median cut in Harris Boulevard at Wallace Avenue, the close proximity of the property to the highly developed intersection of Harris Boulevard and Albemarle Road, the R-20(MF) development approved to the rear of our clients' property and the existing apartment projects to the north and south, it really makes no sense to create this small pocket for future single-family development.

9. The Albemarle Junior High and Elementary Schools are situated nearby to the west of Harris Boulevard just south of its intersection with Albemarle Road.

10. When assembled, the area comprised by our clients' lots would be large enough to allow for the creation of a sensitive site plan that provided generous buffers around its perimeters, thereby allowing for proper screening for the adjoining residential uses to the northwest.

11. Wallace Avenue dead ends within the confines of the R-20(MF) property to the rear of my clients' property and therefore multi-family development would pose no threat to the single-family residential development northwest of the site for cut-through traffic.

For the foregoing reasons, our clients are most hopeful that you will see fit to modify the East District Land Use Plan so as to change the potential long range use of their properties from single-family to multi-family.

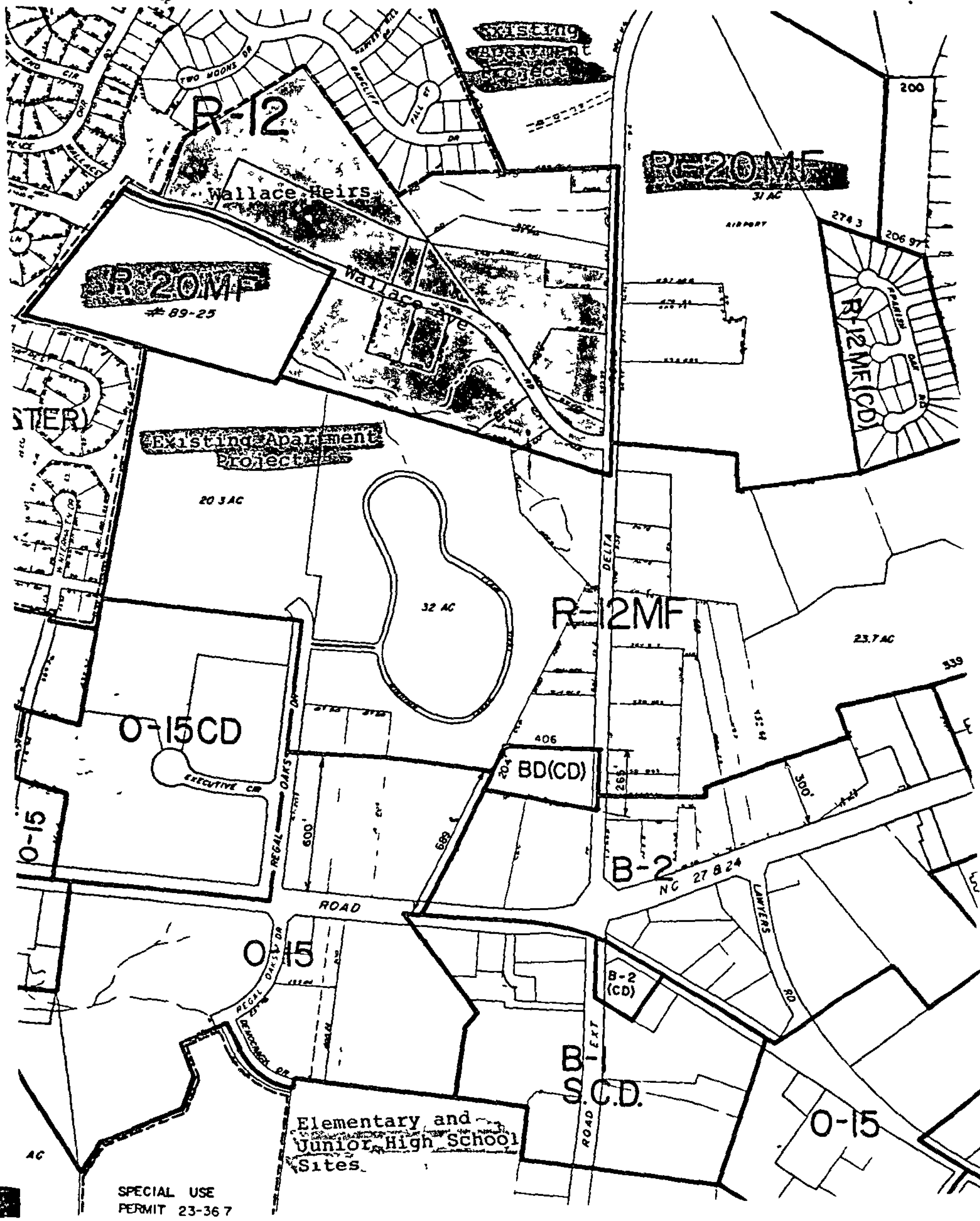
Respectfully submitted this 15th day of August, 1990.

Bailey Patrick, Jr.

Bailey Patrick, Jr.

cc: Mr. David A. Howard
Ms. Nellie Wallace
Mr. and Mrs. Ken Emery
Ms. Donna Andros
Mr. Tankersly
Mr. Louis Andros
Ms. Doris P. Wallace
Mr. William Whitley, III
Mr. W. A. Johnston
Mr. B. N. Wallace
Mr. E. F. Wallace
Mr. James Gill
Mr. W. O. Wallace

MATCH TC



SPECIAL USE
PERMIT 23-36 7