AGENDA

Meeting Type:	B
Date	12/17/1991
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
December 17, 1991

6:00 p.m. - Zoning Meeting

1. Announcements

   a) Friday, December 20, 1991 - 8:00 a.m. Room 267 - Coffee with Department Heads.

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

   a) Agenda Item No. 2. Hearing on Petition No. 91-75

      ✓(1) Bill Diehl, 600 South College Street, 372-9870 - (Will ask for delay in hearing).

   b) Agenda Item No. 3 - Hearing on Petition No. 91-77. Two protest petitions were filed and are not sufficient to invoke the 20% rule.

      ✓(1) Miller Jordan, 716 East Boulevard - 377-4300 - FOR
      ✓(2) Nancy Kramer, 1300 Dilworth Road - 333-1981 - FOR
      ✓(3) Nancy Williams, 2108 Charlotte Drive - 333-7657 - FOR
      ✓(4) Kirk Otey, 1308 Lexington Avenue - 332-8232 - FOR
      9 ✓(6) Jim Gross, 3040 One First Union Center - 377-7077 - AGAINST
      5 ✓(7) Cecil King, 1903 Charlotte Drive - 372-4205 - AGAINST
      8 ✓(8) Michael D. Hearn, 917 Romany Road - 379-9121 - AGAINST
      7 ✓(9) Dennis Hall, 1101 Rutledge Avenue - 334-2110 - AGAINST
      6 ✓(10) Chris Oates, 900 Baxter Street - 372-112- - AGAINST

   c) Agenda Item No. 4 - Hearing on Petition No. 91-78. Three protest petitions have been filed and are sufficient to invoke the 20% rule.

      (1) David Parke, 1820 Thomas Avenue - 332-7004 - FOR
      14 1 ✓(2) Bill Sturges, 2600 Country Club Lane - 372-4800 - FOR
      2 ✓(3) Ron Wolfe, 1409 Pecan Avenue - 332-9034 - FOR
      3 ✓(4) Fran Gay, 1600 The Plaza - 333-9395 - FOR
      4 ✓(5) Robert James, 1518 The Plaza - 365-3111 - FOR
      5 ✓(6) Jesse Callis, 1805 Thomas Avenue - 332-3407 - FOR
      (7) Fred Fiss, 1500 Thomas Avenue - 374-0050 - FOR
      (8) Rodney Toth, 1519 The Plaza - 335-8250 or 333-7113 - FOR
      (9) Scott Edwards, 1516 Thomas Avenue - 372-5620 - FOR
      (10) Jack Bowden, 2010 The Plaza _ 334-8909 - FOR
      (11) Tammy Nisbet, 1926 The Plaza - 357-1000 - FOR
      13 ✓(12) Karen Zucca, 1601 The Plaza - 521-8888 - FOR
      12 ✓(13) Dick Leone, 2001 The Plaza - 332-2943 - AGAINST
      10 ✓(14) Jim Belvin, 1525 Thomas Avenue - 332-2942 - AGAINST
      11 ✓(15) Eric Levine, 1520 Thomas Avenue - 372-2800 - AGAINST
      9 ✓(16) Joyce Weaver, 1704 Thomas Avenue - 372-5270 - AGAINST
      7 ✓(17) Linda Giltz, 1714 Plaza - 594-5077 - AGAINST
      6 ✓(18) Bob Heckman, 1714 Plaza - 366-0322 - AGAINST
      8 ✓(19) Jim Nicholson, 1516 Belvedere Avenue - 377-1442 - AGAINST
      (20) GEORGE P SALEM, 5411 ADDISON DR, 365-3897 - AGAINST

d) Agenda Item No. 5 - Hearing on Petition No. 91-79. Eleven protest petitions have been filed and two areas <u>are</u> sufficient.

e) Agenda Item No. 7 - Hearing on Petition No. 91-81. Six protest petitions have been filed and four areas <u>are</u> sufficient.

3 ✓(1) John Moore, P. O. Box 35261 - 332-1546 - AGAINST
2 ✓(2) Chris Oates, 900 Baxter Street - 372-1120 - AGAINST
1 ✓(3) Fred Bryant, 1850 East Third Street - 333-1680 - AGAINST

CHARLOTTE

Meetings in December '91

THE WEEK OF DECEMBER 2 - 6

2, Monday

2:00 p m — SPECIAL USE PERMIT HEARING - CMGC, 8th Floor Conference Room

7·00 p m — OATH OF OFFICE CEREMONIES FOR MAYOR AND CITY COUNCIL - Spirit Square Center for the Arts, 345 North College Street, NCNB Performance Place (Televised Live on Cable Channel 32)

3, Tuesday

3 00 p m — PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

4, Wednesday

12 00 Noon — BLUE RIBBON CONSOLIDATION COMMITTEE - CMGC, Rooms 270-271

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

5, Thursday

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

6, Friday

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

THE WEEK OF DECEMBER 9 - 13

9, Monday

5 00 p m — CHARLOTTE-MECKLENBURG ART COMMISSION/University City Public Library Ad Hoc 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)

7:00 p m — HISTORIC LANDMARKS COMMISSION - Commission Office, 1225 S Caldwell Street

10, Tuesday

8·00 a m — AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Main Terminal, Conference Room A

11·00 a m — CLEAN CITY COMMITTEE/Business Beautification Awards Subcommittee - CMGC, Room 270

12·00 Noon — DIVISION OF INSURANCE & RISK MANAGEMENT/Executive Board - CMGC, 10th Floor Conference Room

3·00 p m — HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room

4·00 p m — PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

4·00 p.m — CHAMBER OF COMMERCE/ELECTED OFFICIALS QUARTERLY MEETING - Law Engineering, 4333 Wilmont Road

11, Wednesday

7 30 a m — PRIVATE INDUSTRY COUNCIL - CMGC, Conference Center

8 00 a m — CLEAN CITY COMMITTEE - CMGC, Room 270

8 30 a m — CIVIL SERVICE BOARD - CMGC, 7th Floor Conference Room

9 00 a m — CIVIL SERVICE BOARD/Hearing - CMGC, Room 118

4 00 p.m. — HISTORIC DISTRICT COMMISSION - CMGC, 8th Floor Conference Room

6 00 p.m — YOUTH INVOLVEMENT COUNCIL - CMGC, Room 271

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF DECEMBER 9 - 13 (continued)

12, Thursday

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

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

THE WEEK OF DECEMBER 16 - 20

16, Monday

9 00 a.m AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, VIP-B Room

17, Tuesday

2:00 p m HOUSING AUTHORITY - Edwin Towers, 201 W. 10th Street

2 00 p m CMUD ADVISORY COMMITTEE - Utility Department, 5100 Brookshire Blvd

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

4 00 p m PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

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

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

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

18, Wednesday

6 00 p m YOUTH INVOLVEMENT COUNCIL - CMGC, Room 271

19, Thursday,

8:30 a m CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

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

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

THE WEEK OF DECEMBER 23 - 27

24, Tuesday

ALL CITY OFFICES CLOSED FOR THE CHRISTMAS HOLIDAYS.

25, Wednesday

ALL CITY OFFICES CLOSED FOR THE CHRISTMAS HOLIDAYS.

DECEMBER 30 - 31

30, Monday

8 30 a m CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

These organizations will NOT meet in December

Charlotte Advisory Parks Committee
Charlotte Transit Advisory Committee
Charlotte Tree Advisory Committee
Firemen's Retirement Board
Parade Permit Committee
Storm Water Task Force
Zoning Board of Adjustment

#1 Fields
Vinroot
McCrory / Wheeler Clse Hrng. - Unan.
#2 Clodfelter / Wheeler defer for 30 days
Vinroot
Bill Diehl - Representing the Tillets
Vote - Unan.
Vinroot
#3 Fields - Dilworth
Vinroot
McCrory
Miller Jordan
Nancy Kramer
Nancy Williams
Kirk Otley
Martin
Otley
Martin
Otley
Vinroot
Martin
Fields
Martin
Otley
Vinroot

1.34 remaining

McCrory
Fields
McCrory
Cecil King

Charlotte Drive
160A-391

Vinroot
McCrory
Fields
McCrory
Fields
Chris Oates - Spangler + Wray + Ward
Adv.
Martin
Fields
Vinroot
McCrory
Fields
Majed
Fields
John Rogers
Vinroot
Oates
Dennis Hall
Vinroot
Hall
Campbell

Hall
Vinroot
Michael Hearn
Vinroot
Hearn
Campbell
Hearn
Campbell
Jim Gross
Vinroot
McCrory
Underhill
Vinroot
Gross
Underhill
Gross
Underhill
Gross
Vinroot
Majeed
McCrory
John Rogers
McCrory

Rogers
McCrory
Rogers
Campbell
Fields
Campbell
Fields
Campbell
Fields
Underhill
Campbell
Underhill
Martin
Underhill
Vincent
Jim Gross
Vincent
Hall
Miller Jordan
Vincent
Hammond / Wheeler - Close Hrng.
Vincent

Recess 7:30
Reconvene 7:35

Vinroot
McCrory
Vinroot
#4 91-78
Fields

Stan Campbell left 7:35 and was not excused

Vinroot
Martin
Vinroot
Bill Sturgis
Ron Wolfe — Mangum arrived at 7:40
Vinroot
Francis Gay
Robert James
Jesse Collins — 4:29 left for rebuttal —
Bob Heckman
Linda Giltz
Jim Nicholson
Joyce Weaver
Jim Belvin
Eric Levine
Vinroot
Levine

Bob Heckman
Dick Leone
Hammond
Giltz
Majeed
Vinroot
Martin
Ron Wolfe
Martin
Wolfe
Karen Zucca
Bill Sturges
Martin
Heckman - Can those against have a
Vinroot - No - WEITE 2 minute rebuttal?
McCrory
Fields
McCrory
Rogers
McCrory
Vinroot
Martin
Rogers
Vinroot
Scarborough Martin Close Hrng - Unan.

#5 91-79

Fields
Clodfelter
Fields
Clodfelter
Fields
Vinroot
Fields
Majeed
Vinroot
Jim Deselms - Super America Corp.
Clodfelter
McClure
Fields
Deselms
McClure
Vinroot
Brenda Jackson - 4826 N. Tryon
McClure
Brenda Jackson
McCrory
Fields
Reid
Fields
Reid

Fields
Reid
Fields
Martin
Fields
Martin
Fields
Martin
Fields
Martin
Fields
Majeed
Fields
Majeed
Vinroot
Brenda Jack
Vinroot
Hamond / Scarborough Close Hwy.
Unan.

#6 91-80
Fields

Hammond / Martin Close Hrng.
Unan.

Vinroot

#7 91-81
Fields
Vinroot
Fields
Vinroot
Fred Bryant
Chris Oates - Perry, Patrick, + Moucheau
John Moore
George Currin
Michael Shaheen 6211 Fair Valley Dr.
Hammond / Scarborough - Close Hrng. Unan.

#8 Hammond / Wheeler - Approve Res.
Unan.

#9 - Vinroot
Majeed / Hammond - Approve
Unan. Syfert

#10 McCrory / Hammond - Defer 30 days 10A + B
Unan.

Vinroot Adjourn
Marguson/Hammond - Unan.

9:10 p.m.

ZONING MEETING 12/17/91

Mayor	✓	Ann McClure	✓
Campbell	✓	Jack Byrne	✓
Clodfelter	✓	Sara Spencer	✓
Hammond	✓	Vicky Baucom	✓
McCrory	✓	Rose Motley	absent
Majeed	✓	Don O'Brien	✓
Mangum	✓	Gloria Fenning	✓
Martin	✓		
Patterson	absent		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

6:05 p.m.

Vinroot
Majeed - Invocation
Vinroot
Father Eugene McCreesh
McCrory / Martin - Executive Session
Vinroot
Ann McClure 4:30 Thurs 12/19
Vinroot
20 MINUTES PER SIDE NO REBUTTAL

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Tuesday, December 17, 1991

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

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

Invocation by

ITEM NO.

PUBLIC HEARINGS

McCrory/Wheeler Hrng Close Unan

1. SUB 91-1 Consider Subdivision Ordinance Text Amendment - Design Standards for Streets, increasing the distance from centerline for thoroughfares, freeways and expressways.

Attachment No. 1

Clodfelter/Wheeler Defer 30 days Unan.

2. (91-75) Consider Zoning Ordinance Text Amendment - Accessory Uses regarding vehicles.

Attachment No. 2

Hammond/Wheeler Close Hrng Unan

3. (91-77) Hearing on Petition No. 91-77 by the Charlotte-Mecklenburg Planning Commission for a ~~change in zoning from B-1(CD), R-6, R-6MF, R-9, R-9MF(CD) and O-6 to~~ Historic District Overlay in the Dilworth Neighborhood, to expand the existing Dilworth Local Historic District.

~~A~~ 2 protest petition~~s~~ ~~has~~ HAVE been filed and ~~is~~ ARE not sufficient to invoke the 20% rule.

Attachment No. 3

4. (91-78) Hearing on Petition No. 91-78 by the Charlotte-Mecklenburg Planning Commission for a ~~change in zoning from B-2(CD), R-6MF, B-2, O-6 and R-6 to Hi~~storic District Overlay, in the Plaza-Midwood Neighborhood, to establish the Plaza-Midwood Local Historic District. PROTEST SUFFICIENT

Scarborough/Martin
Close Hearing
Unan

Attachment No. 4

5. (91-79) Hearing on Petition No. 91-79 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-2 for approximately 29.3 acres located along North Tryon Street from Sugar Creek Road to Eastway Drive.
PROTEST SUFFICIENT ONLY TO ONE PORTION.

Hammond/Scarborough
Close Hearing
Unan

Attachment No. 5 ANOTHER PROTEST SUFFICIENT ON ANOTHER AREA

11 PROTEST PETITIONS FILED BUT ONLY 2 AREAS ARE SUFFICIENT

6. (91-80) Hearing on Petition No. 91-80 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-2 for approximately 55.79 acres located along the eastern side of North Tryon Street and Eastway Drive from the Southern Railway to Old Concord Road.

Hammond/Martin
Close Hearing
Unan

Attachment No. 6

7. (91-81) Hearing on Petition No. 91-81 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-2 for approximately 36.18 acres located along the east side of North Tryon Street from Old Concord Road to Arrowhead Road.

Hammond/Scarborough
Close Hearing
Unan

Attachment No. 7 2 SECTIONS ARE SUFFICIENT COUCHELL & MOORE

Pet. #1

8. Recommend adoption of a Resolution calling for public hearings on Tuesday, January 21, 1992 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, for Petition Nos. ~~91-76~~ and 92-1 through 92-3 for zoning changes.
91-15, 91-24

Hammond/Wheeler
Unan

BUSINESS AGENDA

9. Modifications USAir Stock Distribution Center — Aviation

Recommendation: The Aviation Director recommends that the apparent low bid for Mechanical Construction submitted by Espique Design and Construction Company be rejected because Espique did not hold the required State Contracting license at the time of bid, and that the Mechanical contract be awarded to Southeastern Plumbing in the amount of $111,788.00.

Mayed/Hartsoe approved Aviation

Mechanical

Espique Design & Construction Company	$ 91,888.50
Southeastern Plumbing	111,788.00
Southern Comfort	116,900.00
Mechanical Contractors Inc.	116,950.00
Alpha Mechanical	129,734.00
Sanders Brothers	131,490.00

Project Description: USAir requested that the Stock Distribution Building be modified to provide air conditioning and emergency power for the computerized stock retrieval system. This project will be funded by Special Facility Airport Revenue Bonds backed by USAir.

Source of Funding: Airport Capital Improvement Program (U.S. Air Maintenance Facility - Airport Revenue Bonds).

PROPERTY TRANSACTIONS

10. Recommend approval of the following property transactions and adoption of the condemnation resolutions.

McCrary/Hartsoe Defer 10A & B Inman. Real Estate

A. Project: '91 Annexation - Plott Road, Parcel No. 13
Owner(s): The Mathisen Company and any other parties of interest

Property address: 7901 Plott Road
Property to be condemned: 5,268.25 sq.ft. (0.121 ac.)
Improvements: None
Price: $1,700.00
Reason for condemnation:

Total parcel area:	=	87,120 sq.ft. (2 ac.)
Permanent Sanitary Sewer 15' Area:	=	3,160.95 sq.ft. (.07 ac.)
Temp. Const. Easement:	=	2,107.3 sq.ft. (.05 ac.)
Residual Area:	=	83,959.05 sq.ft. (1.93 ac.)

Owner refuses to settle this parcel until we reach a settlement on property owned in '91 Annexation - Old Concord Road/I-85.

Zoned: R-15 Use: Vacant

B. Project: '91 Annexation - Old Concord Road/I-85, Parcel No. 24
Owner(s): The Mathisen Company and any other parties of interest
Property Address: Jeffery Bryan Drive
Property to be condemned: 17,863 sq.ft. (0.41 ac.)
Improvements: None
Price: $1,800.00
Reason for condemnation:

Total Parcel Area:	= 629,006.4 sq.ft. (14.44 ac.)
Permanent Sanitary Sewer 15' Area:	= 10,717.8 sq.ft. (.25 ac.)
Temp. Const. Easement:	= 7,145.2 sq.ft. (.16 ac.)
Residual Area:	= 618,288.6 sq.ft. (14.19 ac.)

Affected area is undeveloped but the developer has submitted a subdivision plan. Owner wants total compensation of $8,325 based on a percentage of the value of each individual proposed lot. Our proposed line parallels an existing storm drainage easement which follows the owners rear property line. Our appraiser determined that our proposed line did not diminish the value of the lots.

Zoned: R-12(CD) Use: Vacant

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

December 3, 1991

Mayor and City Council:

RE: Petitions to be Heard in December, 1991

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 Tuesday, December 17, 1991 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/LA

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*
Subdivision Ordinance Text Amendment
Petition No. SUB 91-1

BACKGROUND

The Subdivision Ordinance, Section 7.110 currently states that the right-of-way required to be reserved and remain undeveloped for a Freeway or Expressway (Class I) classified thoroughfare ranges from 250-350 feet. The Zoning Administrator stated in 1989 that he could not enforce that section since it stated a range and did not give him any specificity about the requirement. As a result the lowest standard, 250 feet, was required. The City and County Attorneys agreed with that opinion and it was interpreted that the Planning Commission had the authority to determine the width for various thoroughfare classifications. As a result in November, 1989, the Planning Commission acted to establish a width of 350 feet for Class I Thoroughfares.

In May of 1991, the City Attorney appeared in court as a result of a Board of Adjustment ruling which upheld the 350-foot requirement. The judge expressed concern about a range being stated for the expressway width and ultimately remanded it to the Board of Adjustment to make more clear and informative findings of fact. As a result, the City Attorney's Office requested that a text amendment be made to delete the range and require 350 feet in both the subdivision and zoning ordinances. The Charlotte-Mecklenburg Building Standards Department accordingly is petitioning for the amendment. At this time only the subdivision ordinance is being considered for amendment since the proposed new zoning ordinance includes the 350-foot standard.

CONCLUSION

This text amendment is recommended for approval due to the reasons cited above.

*Subject to further refinement following public hearing.

SUBDIVISION ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No SUB 91-1
Date Filed September 3, 1991
Received By TWCM

OFFICE USE ONLY

Section No.: 1. Code 20-22 Designs Standards for Streets
(Title)

Purpose of Change:

Current Code § 1631.2 states a range for a freeway or expressway of "125 - 175 feet" distance from a thoroughfare centerline to the proposed right-of-way line. Without any specific requirements or determinations, the 125 feet distance would become the standard for lots along freeways or expressway. However, it is understood that the actual range which is needed along city freeways and expressways is the specific range of "175 feet" and "350 feet" respectively, and deleting the statement of range.

R.L. Brandon
Robert L. Brandon
Zoning Administrator
Name of Agent

700 North Tryon Street
Agent's Address

336-3567
Telephone Number

E. L. Woods
E. L. Woods, Director
Charlotte-Mecklenburg Building Standards
Name of Petitioner(s)

700 North Tryon Street
Address of Petitioner(s)

336-3826
Telephone Number

Signature

AMENDING CHAPTER 20

ORDINANCE NO. _____

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

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

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

1. Amend Section 7.110 Right-of-way Freeway or Expressway (Class I) by deleting "250-350" and in lieu thereof place "350".

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 _____, beginning on Page _____.

_____
Pat Sharkey, City Clerk

mc/647-o-1

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-75

Petitioner: 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.

BACKGROUND

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.

CONCLUSION

These regulations offer reasonable provisions for individuals to keep unlicensed motor vehicles and to sell or trade vehicles in residential neighborhoods. The Zoning Administrator has responded favorably, noting that while the provisions will be difficult to enforce on an overall area wide basis with the current enforcement staff, the amendment establishes specific criteria from which violations can be cited. This will be particularly applicable on an individual complaint basis.

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-75

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Section No. 9.204 & 9.304 Accessory Uses (Add a new No. 16 & a new No. respectively)

(Title)

Purpose of Change This proposed amendment would add two provisions to address the number of unlicensed motor vehicles permitted outside on any residential zoned premises, and the number of motor vehicles that may be displayed for sale or trade on any residentially zoned premises. This amendment is proposed in order to address problems, which have been identified by the City Attorney's Office and the Building Standards Department and which were brought up at the public hearing on the new zoning ordinance.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. Fourth Street, Charlotte, NC 28202-

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

Revised November 1, 1991

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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 91-77

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Dilworth Neighborhood

Request: Expand the existing Dilworth Local Historic District

BACKGROUND

In 1983, the Charlotte City Council approved the establishment of the Dilworth Local Historic District, which brought the original development area of this neighborhood under the jurisdiction of the Charlotte Historic District Commission. This program has proven effective in the preservation of the unique character of this area, and the Commission and the residents have developed a sound working relationship.

In 1987, Dilworth was designated a National Register Historic District by the U.S. Department of the Interior. This designation included not only the existing Local Historic District, but also the area developed between 1911 and 1945 under a plan by the Olmstead Brothers, the nation's most prestigious landscape design firm of the era.

The proposed expansion area includes what is known locally as the curvilinear section of the neighborhood, after the pattern of streets that characterizes this section of Dilworth. The area is one of classic early Twentieth Century urban design, and contains a virtual physical textbook of the popular residential architectural styles of this period. Although it seemingly contrasts with the existing Local Historic District, together they exemplify the idea of planned neighborhood diversity that is indicative of its time.

The Dilworth Community Development Association has approached both the Charlotte City Council and the Charlotte Historic District Commission to request that the local historic district be expanded to include the entire neighborhood. This petition is in response to that request.

The Dilworth neighborhood contains a variety of residential, commercial and business zoning districts. An overlay historic district would have little if any impact on the uses allowed in those districts. The Historic District Commission has a policy of making every effort to accommodate allowable land uses within historic overlay districts, while at the same time protecting the overall design integrity and scale of the neighborhood. This policy would continue in an expanded Dilworth Local Historic District.

CONCLUSION

The expansion of the Dilworth Local Historic District overlay would have minimal impact on current land use zoning, and would ensure that development in the neighborhood would continue in a fashion that is compatible with the area. In addition, the impetus for this petition came from the neighborhood itself, and not from city staff. Staff therefore recommends that this petition be approved.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-77

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired NA

Tax Parcel Number SEE ATTACHED LIST

Location of Property (address or description) Dilworth Neighborhood

Description of Property

Size (Sq Ft -Acres) 278.5± acres Street Frontage (ft) NA

Current Land Use General Residential, Commercial

Zoning Request

Existing Zoning B-1(CD), R-6, R-6MF, R-9, R-9MF(CD) O-6 Requested Zoning Historic District - Overlay

Purpose of Zoning Change To expand the existing Dilworth Local Historic District

Name of Agent

Agent's Address

Telephone Number

CMPC

Name of Petitioner(s)

600 East 4th Street Charlotte

Address of Petitioner(s)

(704) 336-2302

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

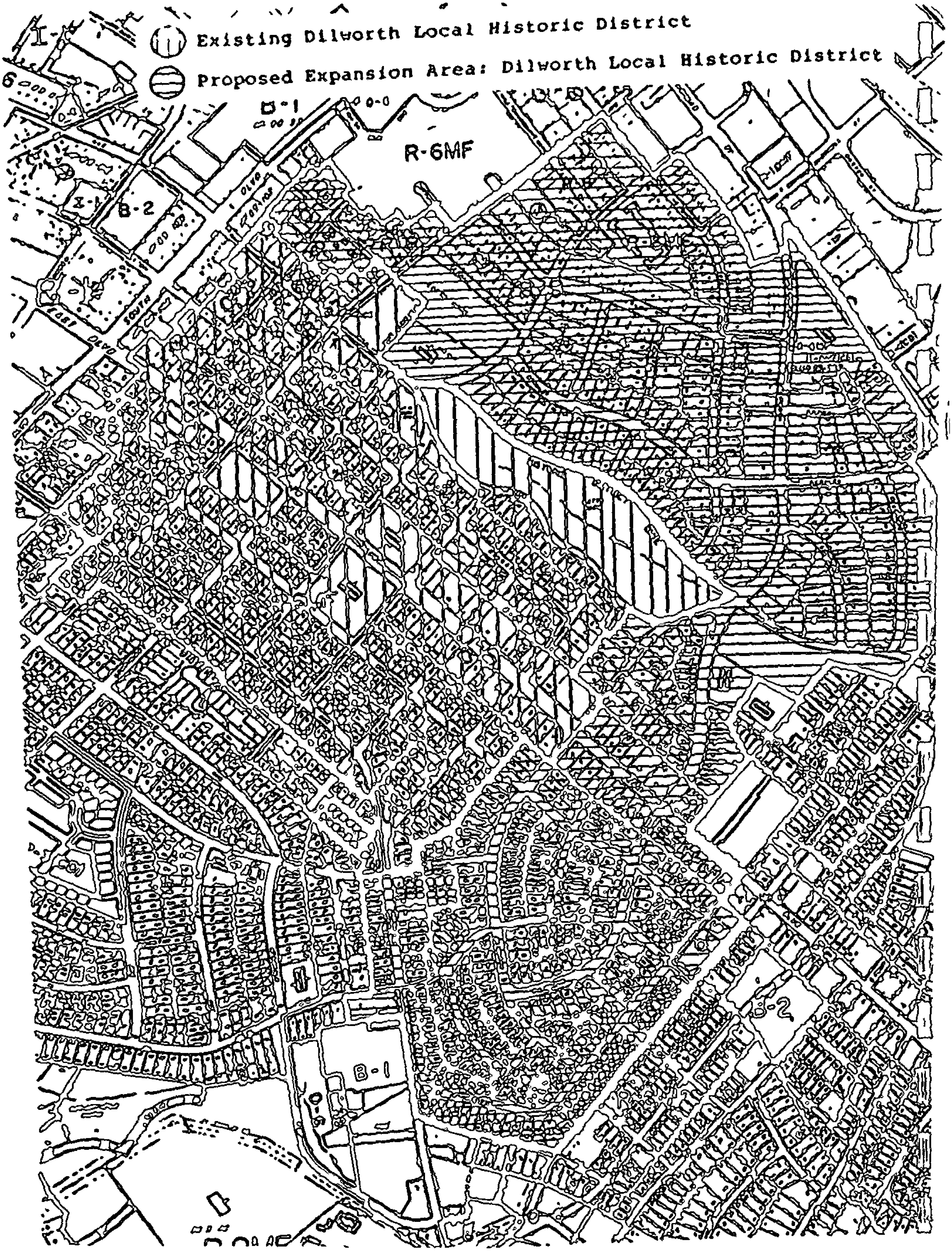
REQUEST: To expand the existing Dilworth Local Historic District.

LOCATION: Dilworth Neighborhood

SEE ATTACHED MAP

ZONING MAP NO(s).: 102, 103, 110, 111 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 91-78

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Plaza-Midwood Neighborhood

Request: Designate an Overlay Zoning District Establishing the Plaza-Midwood Local Historic District

BACKGROUND

The Plaza-Midwood neighborhood grew out of the development of several smaller neighborhoods roughly between 1903 and 1940. The earliest sections of the area include The Plaza between Central Avenue and Parkwood Avenue, sections of Thomas and Pecan Avenues, Hawthorne Lane, and the Central Avenue Business District between Pecan and Thomas Avenues. This area is one of distinct architectural character, and the neighborhood has developed a strong sense of identity over the last decade.

The Plaza-Midwood Neighborhood Association began a process in recent years that has led them to approach both the Charlotte City Council and the Charlotte Historic District Commission to request that a this area be designated as the Plaza-Midwood Local Historic District, and be brought under the jurisdiction of the Charlotte Historic District Commission. This petition is a result of that request.

The boundaries of this proposed local historic district were determined by a survey conducted by neighborhood volunteers, under the direction of a historic preservation consultant. The boundaries were drawn using the criteria developed for National Register historic districts. This section of the Plaza-Midwood neighborhood is characterized by a wide variety of residential architectural styles of different scales. The commercial retail strip along Central Avenue is the most intact remaining streetcar neighborhood service district in Charlotte.

This part of Plaza-Midwood contains a variety of residential, commercial and business zoning districts. An overlay historic district would have little if any impact on the uses allowed in those districts. The Historic District Commission has a policy of making every effort to accommodate allowable land uses within historic overlay districts, while at the same time protecting the overall design integrity and scale of the neighborhood. This policy would continue in the Plaza-Midwood Local Historic District.

CONCLUSION

The designation of The Plaza-Midwood Local Historic District overlay would have minimal impact on current land use zoning, and would ensure that development in the neighborhood is conducted in a fashion that is compatible with the established atmosphere and scale of the area. In addition, the impetus for this petition came from the neighborhood itself, and not from city staff. Staff therefore recommends that this petition be approved.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-78

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner's Address SEE ATTACHED LIST

Date Property Acquired NA

Tax Parcel Number SEE ATTACHED LIST

Location of Property (address or description) Plaza-Midwood Neighborhood

Description of Property

Size (Sq Ft -Acres) 90.8+ acres Street Frontage (ft) NA

Current Land Use General Residential, Commercial

Zoning Request

Existing Zoning B-2(CD), R-6MF, B-2, O-6, R-6 Requested Zoning Historic District - Overlay

Purpose of Zoning Change To establish the Plaza-Midwood Local Historic District by designating an overlay zoning district in a portion of the neighborhood

Name of Agent

Agent's Address

Telephone Number

CMPC
Name of Petitioner(s)

600 East 4th Street Charlotte
Address of Petitioner(s)

)704)336-2303
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

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" = 400'

PROPERTY PROPOSED FOR CHANGE

R-6MF
R-12MF
R-6MP
R-6
B-2
O-B
MECKLENBURG
COCHRAN
MIDWOOD PARK
CENTRAL
AVE
Proposed Plaza-Midwood Local Historic District
O-15
R-9

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-79
North Tryon #6

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 29.3 acres located along North Tryon Street from Sugar Creek Road to Eastway Drive.

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

BACKGROUND AND JUSTIFICATION

The subject properties of this petition are located along the North Tryon Street Corridor between Sugar Creek Road and Eastway Drive. The properties are proposed to be rezoned to B-2 as recommended by the North Tryon Corridor Study approved by City Council in July of 1987. The purpose of this rezoning is to prevent any further development of heavy industrial uses in the North Tryon gateway corridor.

EXISTING LAND USE

All of the properties within this petition are either used for commercial purposes or are vacant. There are no nonconforming uses created by this petition.

ADJACENT LAND USES

Most of the properties along North Tryon Street are commercial. Some industrial uses closer to Sugar Creek Road have not been included since they would clearly become nonconforming uses in a B-2 district. Many of the adjoining properties are used for residential purposes.

PROPOSED LAND USE

The North Tryon Corridor Special Project Plan, which was adopted in July 1987, contains many corrective rezonings and this is one of the last to be undertaken. The plan's major goal is to upgrade the appearance of this corridor and improve land use compatibilities. The plan does this, while recognizing existing nonconformities.

CONSEQUENCES OF NOT REZONING THIS PROPERTY

Should the rezoning not occur, intrusive heavy industrial uses may develop along this portion of North Tryon Street. These industrial uses may be unsightly and contradictory to the City's efforts to improve North Tryon's appearance. Also, an influx of industrial uses could negatively impact existing businesses and residential uses adjacent to North Tryon Street.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-79

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See Attached Information

Owner's Address See Attached Information

Date Property Acquired N/A

Tax Parcel Number See Attached Information

Location of Property (address or description) Along North Tryon Street from Sugar Creek Road to Eastway Drive.

Description of Property

Size (Sq Ft.-Acres) 29.286 Street Frontage (ft.)

Current Land Use All lots are used for businesses except for several vacant properties.

Zoning Request

Existing Zoning I-2 Requested Zoning B-2

Purpose of Zoning Change To bring properties in conformance with the North Tryon Corridor study adopted by City Council in May of 1987.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Com

Name of Petitioner(s)

600 East 4th Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

North Tryon St

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-79 HEARING DATE: December 17, 1991

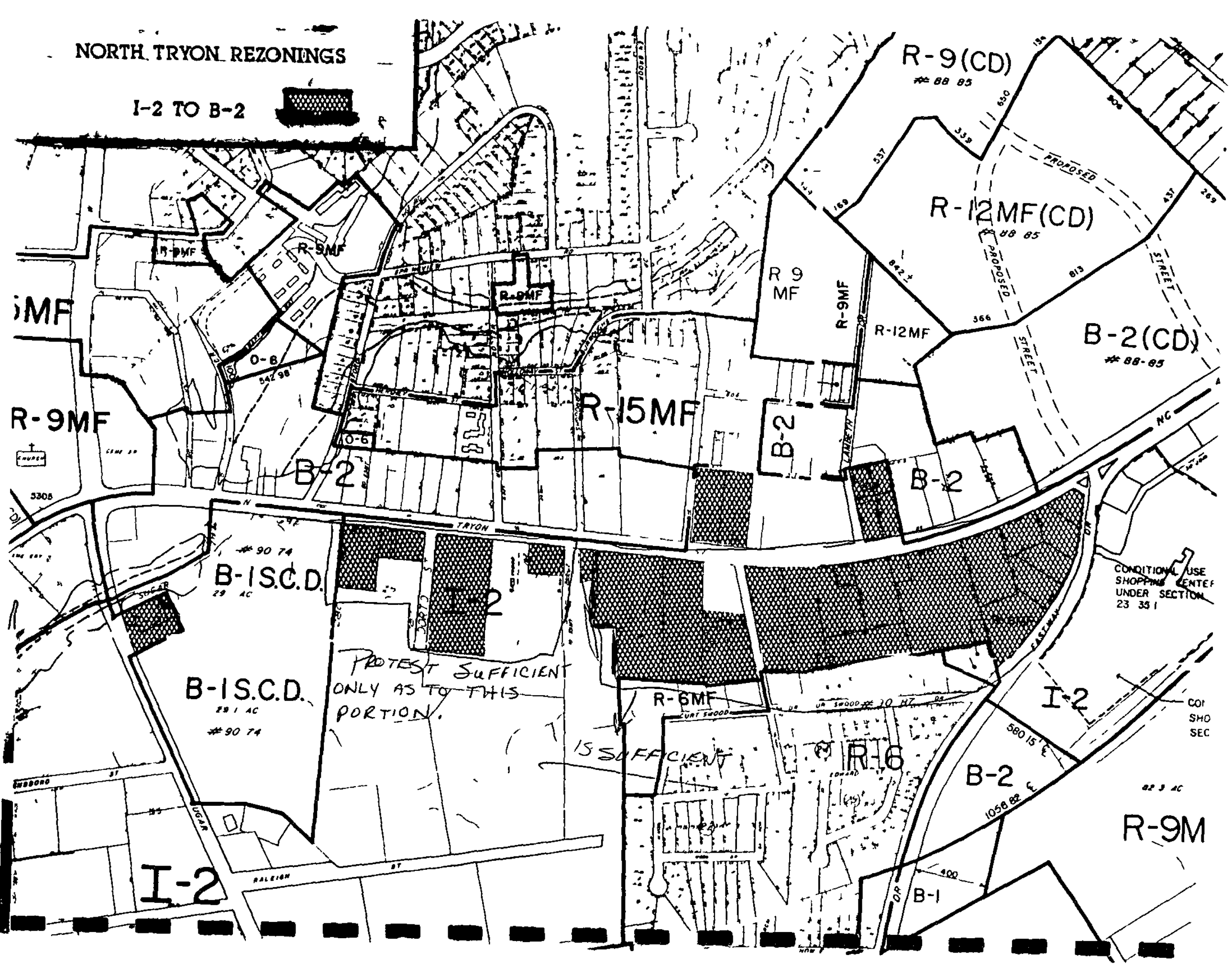
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: B-2

LOCATION: Approximately 29.286 acres generally located along both sides of North Tryon Street between Sugar Creek Road and Eastway Drive.

SEE ATTACHED MAP

ZONING MAP NO(s).: 77, 78, 89, 90 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


NORTH TRYON REZONINGS
I-2 TO B-2
R-9(CD)
R-12MF(CD)
B-2(CD)
R-9MF
R-15MF
B-2
B-1S.C.D.
I-2
R-6MF
R-6
R-9M
B-1
PROTEST SUFFICIENT ONLY AS TO THIS PORTION.
IS SUFFICIENT
CONDITIONAL USE SHOPPING CENTER UNDER SECTION 23 351
TRYON
SUGAR
RALEIGH
EASTWAY
PROPOSED STREET

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-80
North Tryon #7

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 55.79 acres located along the eastern side of North Tryon Street and Eastway Drive from the Southern Railway to Old Concord Road.

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

BACKGROUND AND JUSTIFICATION

The subject properties have been recommended to be rezoned from I-2 to B-2 as part of the North Tryon Corridor study approved by City Council in July of 1987.

Much of the North Tryon Corridor in this area is developed commercially. The existing zoning is I-2 and would permit heavy manufacturing uses with outside storage. Such uses would be contradictory to the City's attempt to improve North Tryon's appearance and its relationship to the surrounding residential areas.

EXISTING LAND USES

All of the subject properties are currently used for business purposes. Included within the petition are the Northpark Mall, Bi-Lo, Blockbuster, and Northpointe Plaza.

There would be no nonconforming uses created by this petition. One use in this petition is a mini-storage facility. The petition would only affect the driveway of the use and not the rest of the property.

ADJACENT USES

Uses along North Tryon and Eastway Drive are primarily retail businesses with a few vacant properties. To the rear of the properties, across the Southern Railroad tracks, are a developing industrial park, vacant property, and multi-family closer towards Eastway Drive. Some industrial uses are located toward Old Concord Road, off of North Tryon.

PROPOSED LAND USE

The North Tryon Corridor Special Project Plan proposes commercial uses for these properties and suggests development guidelines to enhance the appearance of this corridor in the future.

CONSEQUENCES OF NOT REZONING THIS PROPERTY

If this property is not rezoned, it leaves open the possibility that existing commercial uses could be redeveloped as heavy industrial uses. Those uses would be subject only to the minimum standards of the Zoning Ordinance and could adversely impact the image and marketability of this gateway corridor.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-80

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See Attached Information

Owner's Address See Attached Information

Date Property Acquired N/A

Tax Parcel Number See Attached Information

Location of Property (address or description) Along the east side of North Tryon Street and Eastway Drive from the Southern Railway to Old Concord Road.

Description of Property

Size (Sq Ft.-Acres) 55.79± Acres Street Frontage (ft.)

Current Land Use Various retail uses

Zoning Request

Existing Zoning I-2 Requested Zoning B-2

Purpose of Zoning Change To bring these properties into conformance with the North Tryon Corridor study approved by City Council in May of 1987.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commis
Name of Petitioner(s)

600 East 4th Street
Address of Petitioner(s)

336-2205
Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

North Tryon #7

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-80 HEARING DATE: December 17, 1991

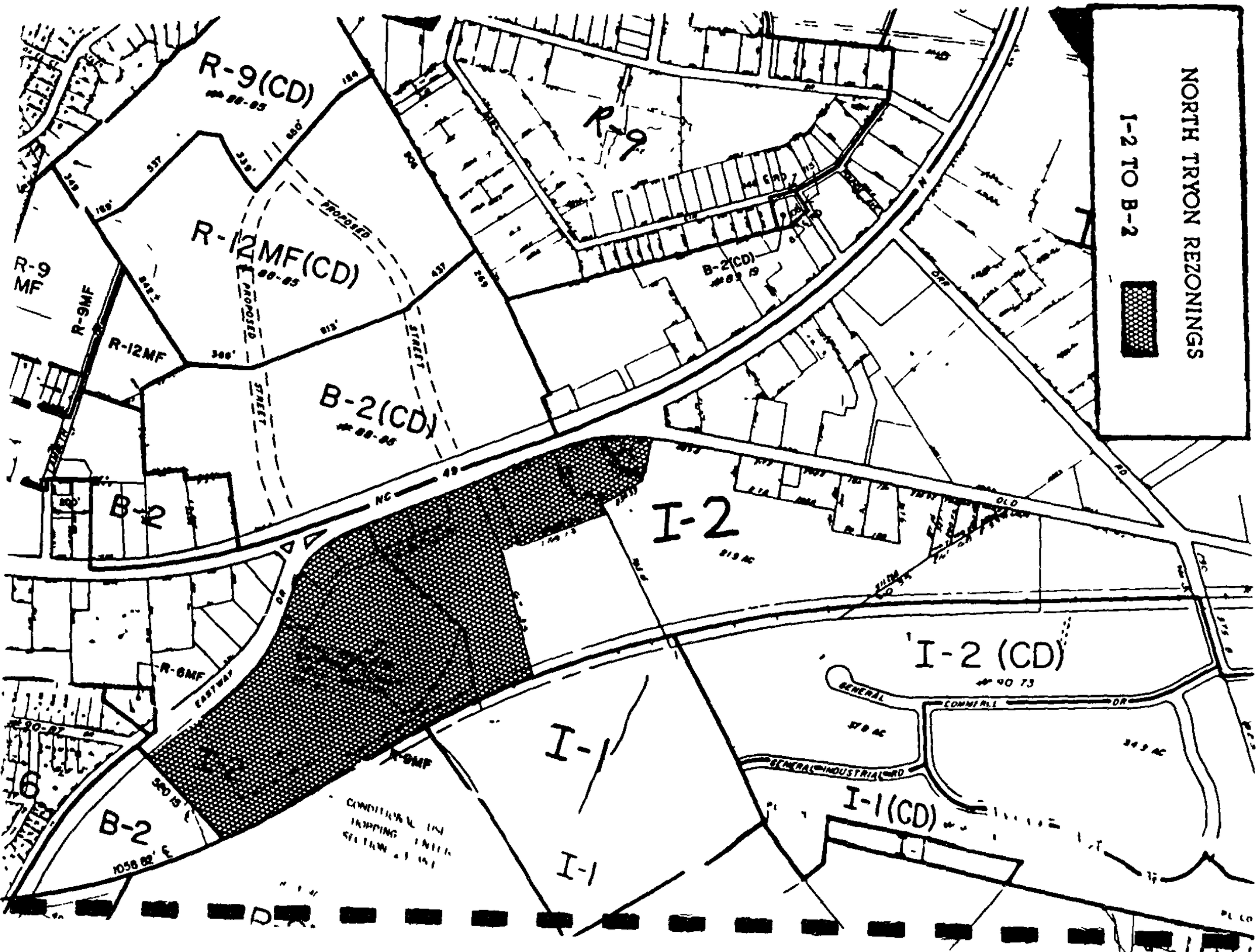
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: B-2

LOCATION: Approximately 55.79 acres located along the southeasterly side of Eastway Drive and North Tryon Street (N.C. 49) from Southern Railway to Old Concord Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


NORTH TRYON REZONINGS
I-2 TO B-2
R-9(CD)
R-9
R-12MF(CD)
PROPOSED STREET
B-2(CD)
B-2(CD)
R-9MF
R-12MF
B-2
NC 49
I-2
I-2 (CD)
GENERAL COMMERCIAL DR
GENERAL INDUSTRIAL RD
I-1(CD)
I-1
I-1
R-6MF
EASTWAY
OLD

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 91-81
North Tryon #8

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Approximately 36.18 acres located along the east side of North Tryon Street from Old Concord Road to Arrowhead Road.

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

BACKGROUND AND JUSTIFICATION

These properties are recommended for a corrective rezoning based on the North Tryon Corridor Special Project Plan which was approved in July 1987. These properties are primarily in commercial use but are zoned I-2, Heavy Industrial. This rezoning will prevent industrial uses from locating along this gateway corridor.

EXISTING LAND USE

The properties included within this petition are primarily used for business purposes. One use, a truck driving school located in an empty shopping center, will become nonconforming. The building which houses the truck driving school was clearly constructed for retail purposes and may still be used for such purposes in the future.

Other uses which would have been made nonconforming have not been included within this petition.

ADJACENT LAND USES

Most uses across North Tryon are commercial, with some vacant parcels. To the rear of the parcels proposed for rezoning is a mixture of nonresidential uses and a couple of single family homes on Orr Road.

PROPOSED LAND USE

The North Tryon Corridor Special Project Plan proposes commercial uses for this portion of North Tryon.

CONSEQUENCES OF NOT REZONING THIS PROPERTY

If this property is not rezoned, this property could develop/redevelop with heavy industrial uses. This could degrade the image of the corridor, making it more difficult to attract quality commercial development.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 91-81

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner See Attached Information

Owner's Address See Attached Information

Date Property Acquired N/A

Tax Parcel Number See Attached Information

Location of Property (address or description) Along North Tryon Street from Old Concord Road to Arrowhead Road.

Description of Property

Size (Sq Ft.-Acres) 36.18± Acres Street Frontage (ft.)

Current Land Use Various retail uses, several vacant parcels, and a truck driving school.

Zoning Request

Existing Zoning I-2 Requested Zoning B-2

Purpose of Zoning Change To bring these properties into conformance with the North Tryon Corridor study approved by City Council in May of 1987.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commis

Name of Petitioner(s)

600 East 4th Street

Address of Petitioner(s)

336-2205

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

NORTH TRYON #8

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 91-81 HEARING DATE: December 17, 1991

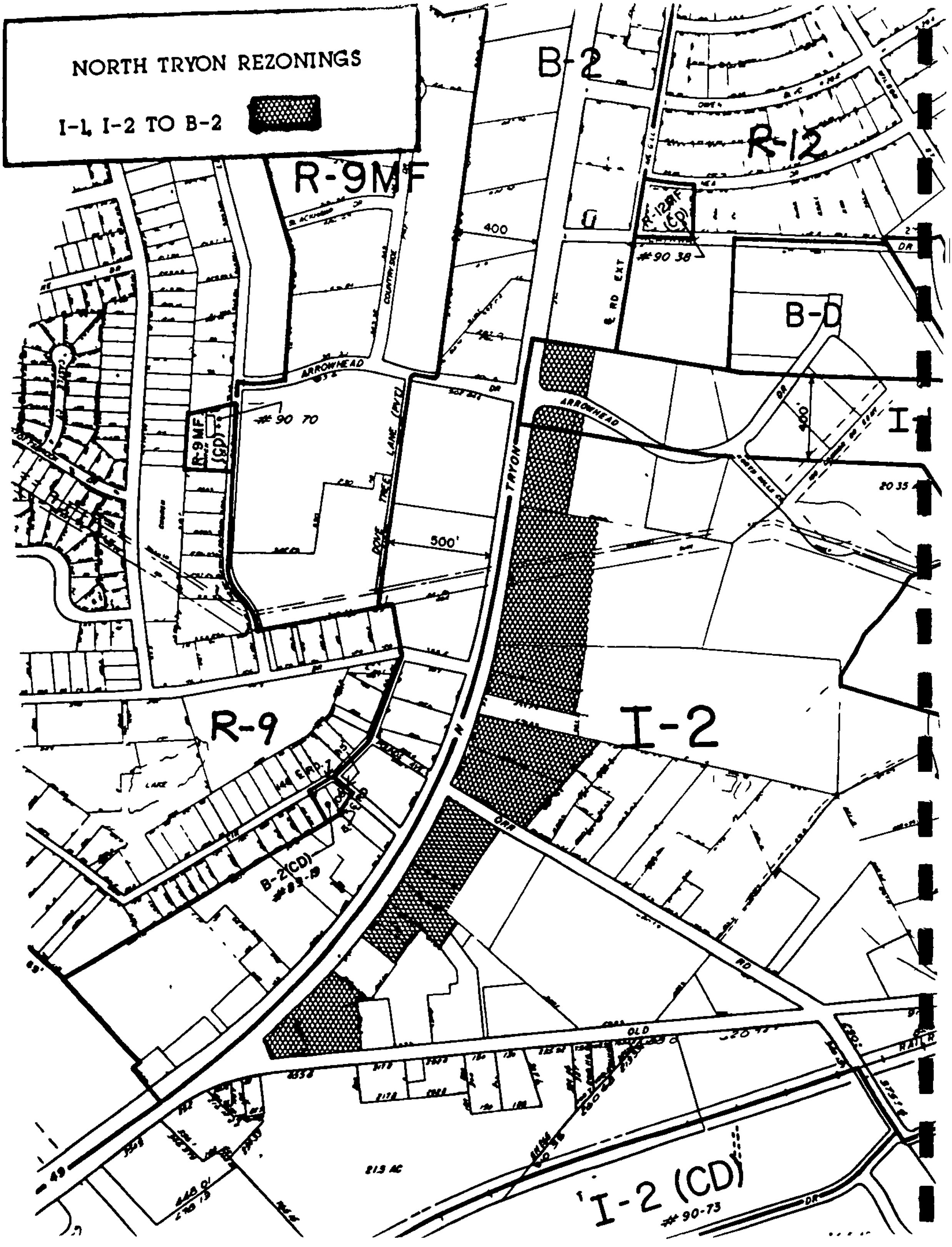
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: B-2

LOCATION: Approximately 36.18 acres located on the easterly side of North Tryon Street north of Old Concord Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 77 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


NORTH TRYON REZONINGS
I-1, I-2 TO B-2
B-2
R-12
R-9MF
R-12MF (CD)
#90 38
B-D
I
#90 70
R-9MF (CD)
ARROWHEAD
COUNTRY DR
DOVE LANE (PVT)
NORTH TRYON
500'
400
R-9
I-2
B-2(CD)
#83-19
OLD
I-2 (CD)
#90-73
813 AC

VAN GUARD
SELF STORAGE

188
~~111~~ E Capitol
Suite ~~485~~ 1370
P O Box 55705
Jackson, MS ~~39216~~ 39296
(601) 352-6300

December 10, 1991

Charlotte City Council
c/o City Clerk's Office
600 East Fourth Street
Charlotte, North Carolina 28202

Telephone No. 704-336-2205

Re: Petition No. 91-81
North Tryon Corridor Plan

Gentlemen:

We are in receipt of a notice from the Charlotte-Mecklenburg Planning Commission that the Planning Commission has petitioned for the rezoning of our property located at 5748 North Tryon Street Please accept this letter as our formal protest of the rezoning of our property.

The property is presently used for self-storage buildings which are not allowed under B-2 General Business zoning. We feel the rezoning of our property would reduce the permitted uses now available to the property and greatly reduce the value of the property by limiting the possible future uses of the property.

The petition was discussed with members of the planning staff regarding the problem of the new zoning classification causing the property use to be in non-compliance with the new classification. It appears this is a "blanket" rezoning request and individual properties and uses have not been considered for this petition. We were instructed to file our complaint with the city council because "the petition had been filed and it was too late to amend the petition" to correct the errors caused by the Planning Commision not reviewing each property to determine its use and possible violations under the new zoning classification.

We strongly urge you, as responsible council members, to deny this petition and avoid bringing our property into non-compliance by granting a "blanket" rezoning of property, which the City Planning Commission has not had the opportunity to review.

Sincerely,

VANGUARD SELF STORAGE
VAN DEVELOPMENT COMPANY, General Partner

Sidney P. Allen

Sidney P. Allen, Vice President

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 10, 1992

RECEIVED
FEB 10 1992
OFFICE OF CITY CLERK

Mayor and City Council
Charlotte-Mecklenburg Planning Commission

RE: Petition Nos. 91-15 & 91-24 and 92-1

Attached please find two statements submitted in reply to Planning Commission rezoning recommendations.

These cases are scheduled for decision on Monday, February 17, 1992. The meeting will be held at 6:00 o'clock P.M. in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

Respectfully submitted,

Walter G. Fields, III (RG)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

cc: Mr. Wendell White, City Manager
Mr. Henry Underhill, City Attorney
City Clerk

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

RECEIVED
FEB 10 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

LETTER OF REBUTTAL

DATE: FEBRUARY 8, 1992

PETITION NO(S).: 91-15 & 91-24

REQUEST: LEAVE PROPERTY AT MELYNDA AND OLD MT. HOLLY ZONED R-9MF.

AS REQUESTED BY: LEE EASTER - OWNER OF NEW AFFORDABLE SUBDIVISION ACROSS THE STREET FROM PROPOSED REZONING.

REASONS:

1. THIS REZONING WILL TAKE AWAY ANOTHER POSSIBLE SITE FOR AFFORDABLE RESIDENTIAL HOUSING ON THE WEST SIDE OF CHARLOTTE.

2. EVERYONE AGREES THAT CHARLOTTE NEED MORE AFFORDABLE HOUSING. THE WEST SIDE IS ONE OF THE FEW AREAS LEFT IN CHARLOTTE THAT LAND PRICES WILL JUSTIFY AFFORDABLE HOUSING.

3. THE PROPOSED ROAD TO CUT THE TRAFFIC OFF MELYNDA ROAD WILL NEVER GO THRU TO MELYNDA. THE CITY OR THE PROJECT HAS NO PLANS OR MONEY TO PURCHASE THE RIGHT-AWAY TO COMPLETE THE PASS THRU ROAD. THUS TAKING AWAY ANY ADVANTAGES OF THE PROJECT IN THIS NEIGHBORHOOD.

4. LETS DELAY THE REZONING UNTIL THE RIGHT-AWAY TO COMPLETE THE PASS THRU ROAD HAS BEEN STUDIED OR OBTAINED.

5. WHY COULDN'T LAND ALREADY ZONED INDUSTRIAL BE USED FOR THIS PROJECT ? THE CURRENT ZONING WAS DONE FOR A REASON, TO BALANCE OUT RESIDENTAL AND INDUSTRIAL, LETS NOT THROW THIS BALANCE OFF SIDES.

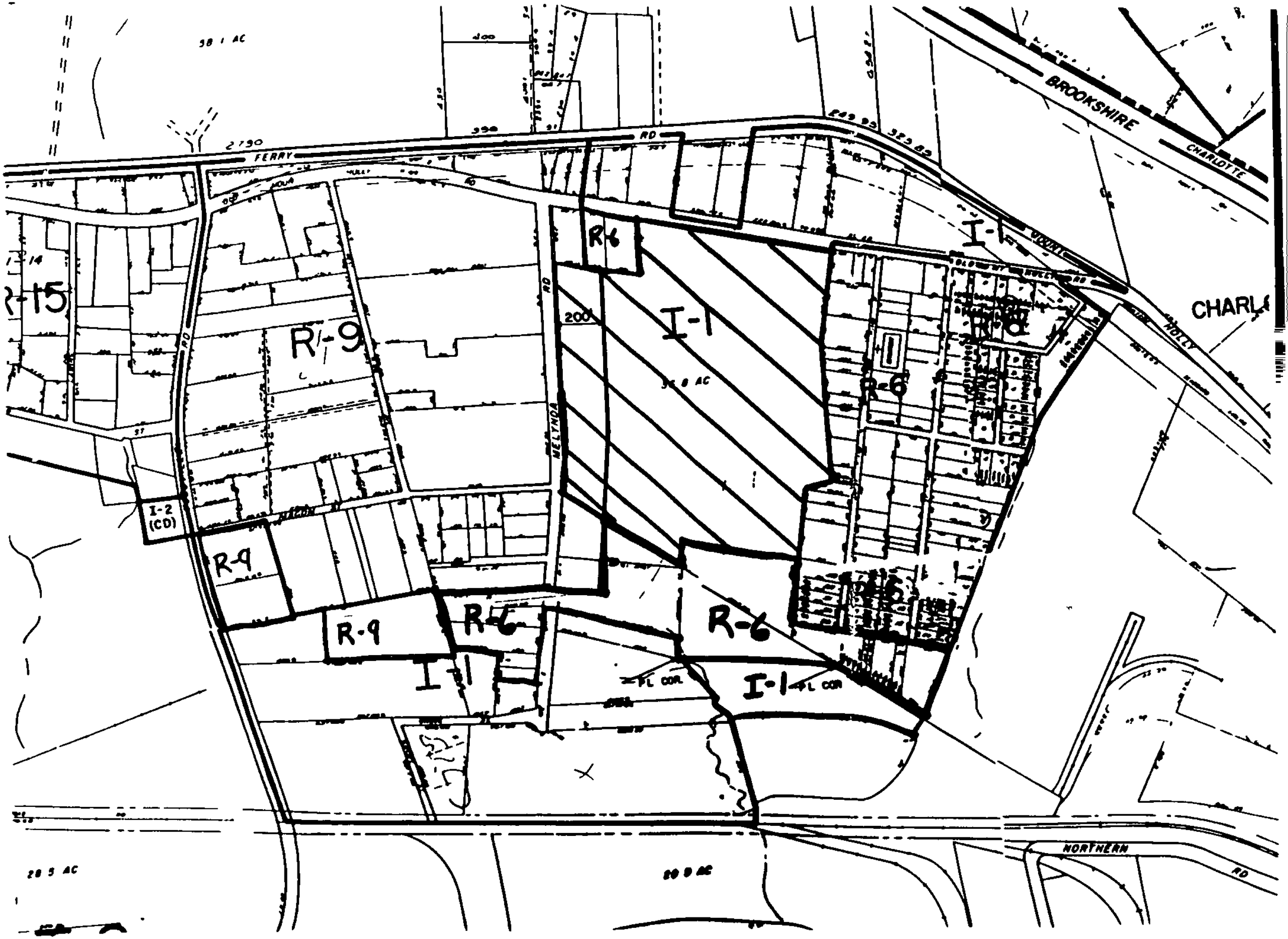
6. DIRECTLY ACROSS THE STREET FROM THIS PROPOSED PROJECT, THE FIRST OF 70 NEW AFFORDABLE HOMES IS UNDER CONSTRUCTION. WOULD YOU WANT AN INDUSTRIAL PROJECT ACROSS THE STREET FROM YOUR NEW HOME ?

THANK YOU FOR CONSIDERING THESE REASONS. I FEEL YOU WILL MAKE A WISE DECISION AND NOT APPROVE THIS REZONING.

SINCERELY YOURS,

Lee Easter

LEE EASTER


FERRY
RD
BROOKSHIRE
CHARLOTTE
HWY
CHARL
HOLLY
MELYNDA
RD
R-15
R-9
R-6
I-1
I-2
(CD)
R-9
R-9
R-6
R-6
I-1
I-1
NORTHERN
RD

KENNEDY COVINGTON LOBDELL & HICKMAN

ATTORNEYS AT LAW
3300 NCNB PLAZA
CHARLOTTE NORTH CAROLINA 28280 8082
TELEPHONE 704/377-6000

MARCUS T H CKMAN
CLARENCE W WALKER
JAMES E B LL) WALKER
HENRY C LOMAX
EDGAR LOVE III
CHARLES V TOMPK NS JR
GLEN B HARDYMON
J DONNELL LASS TER
ROSS J SMYTH
A ZACHARY SM TH III
W LL AM F DREW JR
CHARLES O DUBOSE
RALE GH A SHOEMAKER
JOHN M MURCH SON JR
STEPHEN M S COURTLAND
RICHARD D STEPHENS
F F NCHER JARRELL
MAYNARD E T PPS
WAYNE P HUCKEL
J NORFLEET PRUDEN III
W LL AM C L V NGSTON
LEE WEST MOV US

JOSEPH B C KLUTTZ
JONATHAN A BARRETT
EUGENE C PR DGEN
STEPHEN K RHYNE
E ALLEN PR CHARD
RAYMOND E OWENS JR
HENRY W FL NT
DAVID H JONES
NANCY BLACK NORELL
JAMES C HARD N III*
PETER McLEAN III
MYLES E STAND SH
K RAN H MEHTA
M CHAEL S HAWLEY
JAMES P COONEY III
CAROL NASH NORMAN*
BR AN P EVANS
JEFFERSON W BROWN
LYNN OL VER WEN GE
GEORGE C COV NGTON*
DAN EL L JOHNSON JR

EXCEPT AS NOTED ATTORNE S ADM TTED N N C ON
ADM TTED N N C AND S C
ADM TTED N S C ONL

SOUTH CAROLINA OFFICE
THE GUARD AN BU LD NG
ONE LAW PLACE SU TE 30
P O BOX 1429
ROCK H LL S C 2973H429
TELEPHONE 803/327 6 7

FACS M LES
CHARLOTTE 704/33 7598
ROCK H LL 803/324 4737

WRITER S DIRECT DIAL NUMBER

704/331-7474

WALTER D F SHER JR *
L SA HYMAN LANE*
AL CE CARM CHAEL R CHEY
DENNARD L NDSEY TEAGUE
DEAN A WARREN
STEPHEN R McCRAE JR **
H W LLIAM PALMER JR
JOHN H CULVER III
BOBBY D H NSON*
W LL AM B KIRK JR
MICHELLE C LANDERS
W HENRY S PE III**
BEVERLY A CARROLL**
LESLEE K DAUGHERTY
LEROY P HUTCHINSON
BR AN C REEVE
RANDALL W LEE
MARK E SWOFFORD**
W LLIAM N HARR S
ALLISON R BARNH LL
BARBARA R FR TH
J ANDRE HALL

A LEE HOGEWOOD III
CORY HOHNBAUM
C CORLEY HOLT
FEL C A A WASH NGTON
DAVID W BROWN JR
JAMES E EARLE
KENNETH L FREDER CK**
CLIFFORD R JARRETT
CAROL A JONES VAN BUREN

FRANK H KENNEDY
893 975
HUGH L LOBDELL
908 982

OF COUNSEL
W T COV NGTON JR
DAV D GR ER MARTIN JR

SPEC AL COUNSEL
THOMAS R PAYNE
ROBERT R CARPENTER**

February 7, 1992

RECEIVED
FEB 10 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

Mayor Richard Vinroot
Members, Charlotte City Council

Re Petition No. 92-1, Mint Museum of Art

Dear Ladies and Gentlemen:

The Zoning Committee has recommended that the text amendment presented by the Mint Museum of Art be approved.

Since 1984, the Mint has been seeking to overcome its parking shortage -- a shortage that has just been reemphasized with the opening of the Splendors of the New World exhibit. Because of deed restrictions, there is no feasible way to add additional parking on the property now available to the Mint.

Last year, after negotiations that extended for seven years, an agreement was obtained that permits the Mint to acquire adjacent land that will provide additional parking. This would use a plan similar to that envisioned at the time of the Ramesses exhibition which plan was not used because the land was not then available. The Mint remains sensitive to the impact of parking on its neighbors and seeks additional land to reduce this impact on its neighbors.

The attached letter from Marc Oken, President-Elect of the Mint, also explains the broader reasons for the text amendment.

Parking is just one of the many reasons that the Mint needs the text amendment to return its property to the same zoning status that existed prior to January 1, 1992 and thus give the Mint every opportunity to retain its financial well-being and continue to serve our community.

Very truly yours,

A. Zachary Smith III
For the Firm

AZS/mtp
Encl.

M·I·N·T
MUSEUM
2730 RANDOLPH RD
CHARLOTTE NC
28207
704 337 2000

January 3, 1992

Mayor Richard Vinroot
Members, Charlotte City Council
Members, Charlotte-Mecklenburg Planning Commission

Re: Rezoning Petition No. 92-1

Dear Ladies and Gentlemen:

The new Charlotte zoning ordinance makes a substantial and detrimental change to the status of the Mint Museum of Art.

The prior zoning ordinance provided since its adoption that museums are a permitted institutional use in residential districts with certain specified requirements. On this basis, the City of Charlotte, individual citizens in this community, the Mint Museum of Art and its Board of Trustees have invested over $8 million in the Mint's facilities in recent years.

The new zoning ordinance requires the rezoning of property on which the Mint is located from residential to institutional. Virtually all knowledgeable observers suggest that such a rezoning is unlikely or at least divisive and contentious. The Mint continues to work hard to minimize the impact on its neighbors but anticipates that at least some of its neighbors will vehemently oppose a zoning change.

It may be helpful to refresh your memory of the history of the Mint Museum of Art. The Mint was chartered in 1933 and opened in 1936 in its existing location after the former United States Branch Mint building was reconstructed where it now stands. At that time, there were no residences within blocks of the Mint. In 1968, the first addition to the Mint was opened after three years of planning. In 1975, planning began for the second addition which was opened in 1985. Growth of the facilities has been slow (two additions in 55 years) but is essential to the survival and financial well-being of the Mint.

The Mint has no expansion plans for its existing facilities but has been working since 1985 to increase parking and to move its art storage and administrative facilities. Current parking is sorely inadequate to handle many museum events. Moving the art storage and administrative space to other facilities will allow the Mint to expand the galleries in the existing building. The new zoning ordinance brings these efforts to a halt.

For the past 15 years, the Mint has operated in the black -- a record unmatched by any other major arts organization in this community. The Board of Trustees of the Mint is committed to maintaining this record. Our strategic plan includes a need for future expansion of facilities to remain an effective and valuable Charlotte arts resource. The new zoning ordinance

obstructs our ability to achieve these goals and adversely affects our positive financial performance.

At the request of the City Council and consistent with the Cultural Action Plan, the Board of Trustees of the Mint and its Reorganization Committee has presented a plan for the reorganization of the Mint and the restructuring of its relationship with the City of Charlotte. In substance, the Mint will move toward a more independent status but it would be a great detriment to move to that status in a facility that can no longer be altered or expanded and at which no additional parking or art storage can be built. This creates a hurdle that throws into doubt many of the Mint's assumptions and projections.

With rare exceptions, arts organizations that do not or cannot grow do not prosper and often eventually fail. We do not believe that this is what the citizens of Charlotte want for its only art museum.

Our proposed text amendment includes a number of requirements with respect to setbacks, open space, parking, screening and buffering to minimize the impact of a museum in residential areas. Thus, the proposed text amendment is designed to accomplish for the community the same as that of an institutional district and protect adjacent residential uses without putting before the Mint substantial hurdles to its survival and its ability to serve the citizens of this community.

We hope you will approve this text amendment to the Charlotte Zoning Ordinance to return the Mint to the same zoning status that existed prior to January 1, 1992.

Very truly yours,

Marc D. Oken

Marc D. Oken
President Elect

#1

301-502 W. 10th Street
Charlotte, N.C. 28202
August 24, 1990

Letters to the Editor
The Charlotte Observer
600 S. Tryon Street
Charlotte, N.C. 28202

Dear Sirs;

I am writing in support of the Charlotte-Mecklenburg Historic Landmarks Commission's efforts to designate the old Charlotte Coliseum complex as a historic site. The Historic Landmarks Commission was created under the laws of North Carolina to help protect buildings of historical and architectural significance. While to many the concept of the old Coliseum complex being historic may be questionable, few can deny the architectural significance of the structures.

The old Coliseum was renowned world wide during the 1950's as the largest self supported domed roof ever constructed. It was this structure and the engineering concepts used that went on to inspire the design of arenas throughout the country. The old Coliseum was in essence the inspiration of today's domed stadiums like the Superdome and the Astrodome.

Charlotte, like so many cities across America have decided during the time of post-modern architecture to cover up the buildings designed during the 50's decade. We have changed the charcater of the main library; Charlottetown Mall was completely renovated for Outlet Square. The old airport terminal stands forgotten. Today we look at the modern architecture of the 50's as perhaps ugly and dated. But the 50's were an important time in the history of Charlotte. The architecture of the period represented Charlotte's rapid growth and vision for the future.

Many of Charlotte's most important buildings from the era were designed by A. G. Odell and Associates. Odell was recognized throughout the Southeast as a leader in the field of modern architecture; but it was his designs for the Charlotte Coliseum that brought him prominence and world wide recognition.

In the old Coliseum and Ovens Auditorium complex we find what certainly remains the best of Charlotte's architecture from the 1950s. In recommending these structures for designation to the Charlotte City Council, the Historic Landmarks Commission has made a bold statement to this community. Asking the council to degsinate the structures is visionary. It recommends that we insure that these structures remain an important part of our city's future.

Designation of these structures by City Council would state publicly that our coummunity understands the signifacance of these buildings. It would help protect the design elements that were recognized during the 1950s world wide as being outstanding.

Let us hope that today's city council will be as visionary as their predecesors of the 1950's.

Sincerely,

David T. Ritch

Letter from Owner and Lessee

#1

INDEPENDENCE ARENA MANAGEMENT GROUP

2121 East Independence Boulevard
Charlotte, North Carolina 28205

October 9, 1991

Mr. Boyd Cauble
Executive Assistant to the City Manager
City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202-2840

Dear Mr. Cauble:

After meeting with representatives of the Charlotte-Mecklenburg Historic Landmarks Commission, Independence Arena Management Group would like to have Independence Arena (formerly the old Charlotte Coliseum) placed on the Charlotte-Mecklenburg Historic Landmarks Commission Register, and we hereby approve this designation. You will have our full cooperation in proceeding forward with this application.

Yours truly,

INDEPENDENCE ARENA MANAGEMENT GROUP

Phillips Parking Service, Partner

By: Tom Phillips, President

Arena Associates, Inc., Partner

By: William G. Allen, Jr., President

md

copy: Ms. Nora Black
Charlotte-Mecklenburg Historic Landmarks Commission

August 7, 1990

Dr Dan L. Morrill, Consulting Director
Charlotte-Mecklenburg Historic Landmarks Commission
1225 South Caldwell Street
Box D
Charlotte, NC 28203

Dear Dr Morrill.

I have received your July 24 letter indicating that the Charlotte-Mecklenburg Historic Landmarks Commission will meet on August 13 and will consider possible designation of all or a portion of the City's old Coliseum on East Independence Boulevard as an historic landmark.

As owner of the old Coliseum property, the City has been asked to state our attitude about the prospect of historic designation. This situation is unique in that the City Council will ultimately make the decision about property the City owns. Since neither the City staff nor the Council has reviewed this proposal, our position is neutral about possible designation at this time

It is my understanding that the normal process for historic designation of any building includes a request for comments from various City departments and that proposed designation of the old Coliseum will also follow that process We will submit individual department comments when requested at the appropriate time. Similar to historic designation for other buildings, the City Council will make a decision after considering the Commission's recommendations, City staff comments, as well as any comments made at the joint public hearing.

The City Council is aware of the Commission's August 13 meeting, and we will advise them of the Commission's actions.

If you have any questions, please let me know.

Sincerely,

Julie Burch
Assistant City Manager

#2

Subject: Shady Hills Leonard McPherson's Statement

My name is Leonard McPherson and I live at 708 Carolyn Lane. I have been a resident of the Shady Hills community for six years. This community draws its name from the Shady Hills sub-divisions which lie side by side along University City Boulevard. I am currently President of the Shady Hills Community Association. Our community became part of Charlotte by annexation last June.

The property that we have petitioned to have down zoned from institutional to single family is part of the Shady Hills sub-division. The rest of which is zoned and exclusively developed single family residential.

The portion that is currently zoned institutional has held that zoning status since 1970, but the only development plans that have been formulated for that area to date is the Greek Row Fraternal Housing Project that our community adamantly opposes.

The new zoning ordinance that went into effect on January 1, 1992 has some changes relating to institutional zones that could adversely affect our community. Minor special use permits are no longer required for any type of development in an institutional zone, and single family residences are no longer allowed in an institutional zone. This means that the Greek Row developer, Alan Lovette, can proceed with his project even though his application for a special use permit was denied on Dec. 2, 1991 and that there is no possibility for new single family homes to be built in this portion of our community.

At the suggestion of the special use permit board, we attempted to work with Mr. Lovette to try and find some alternative to his planned fraternity houses that would be more acceptable to our community. All alternatives that Mr. Lovette discussed with us involved our neighborhood paying him considerable sums of money. He offered to move the driveway entrance to his Greek Row project from the residential street Carolyn Lane to an interior road in the Shady Hills sub-division for a fee of $30,000. He offered to not build fraternity houses along Carolyn Lane for a fee of $20,000, and he offered to sell our community his property for $158,000; a price that is considerably above market value by the opinion of several realtors that we consulted.

The other alternative that Mr. Lovette offered was that he would go ahead and build the Greek Row project and there was nothing that the community could do about it. Since we refused his other offers the latter is what he is planning to do. On January 31st he applied for a building permit hoping to get his project started before a ruling on this down zoning petition.

We the residents of our community initiated this petition to afford our neighborhood some protection from objectionable development and to allow and encourage the possibility of future single family development.

We are not anti-development and fully realize that the approximate 28 acres that is currently zoned institutional will be developed someday soon.

The major obstacle to development in our area, poor soil quality that will not perk for septic systems, will be overcome soon by the new city sewer system.This down zoning will certainly not stop other types of development in this area in the future, but it would mean that the property owners or developers would have to seek rezoning with a specific project plan in hand affording us all the opportunity to assure that development is consistent with plans for the area and compatible with the surrounding neighborhood.

I have lived in Charlotte for almost 19 years and I feel that our neighborhood is one of the best in the city. Many of the residents have lived there for over 20 years. The residents of our community are very proud of our area and feel like we have the type of neighborhood that anyone would be proud to live in. I would like to ask all of our community residents who are here this evening to stand at this time (residents stand up) We would like to invite all of you to visit our community and see first hand what we are talking about.

We ask that City Council and the Zoning Committee rule favorably on our down zoning petition to protect the present and future residents of our neighborhood. One of the goals for the Northeast District from the Comprehensive Plan 2005, and I quote, is "to preserve, protect, and enhance the character of existing neighborhoods." We ask you to consider that goal when ruling on our down zoning petition.

February 15, 1992

Subject : Shady Hills Hearing Elliott Glover's statement

My name is Elliott Glover and I live at 808 Carolyn Lane with my wife,Nancy and my two daughters, Molly and Lily. I am currently serving as secretary of the Shady Hills Community Association.

As we all know zoning issues are not concerned with just land and buildings, they affect people. If this land is not down zoned to residential and fraternity houses are built, people will be affected. Our retirees and those nearing retirement on our street will not have the peace and quiet they have labored so long for. Also, the houses they have worked to own will lose their value.

Our property owners who have vacant lots have waited many years for water and sewer services to make their investments marketable. Now that Shady Hills has been annexed, those services are forthcoming. But who will buy their lots with fraternity houses nearby?

Our families with children on Carolyn Lane will lose the safety of our quiet circle road for their children. Fraternity parties can attract several hundred people, people who are drinking and prone to wild behavior. Let's not kid ourselves about what goes on at fraternity houses. Drinking, driving and children playing in the street do not mix. We have 13 children under the age of 12 on our street. Only one road connects our entire neighborhood with Hwy.49.

Besides people, zoning must be concerned with past, present and future uses of land and its development. As far as the past, Shady Hills was planned years ago as a residential neighborhood, with single family homes on both sides of Hwy. 49. Our first homeowner, Mr. Barnhardt, built his home and the rest of us followed because this was the plan for the use of this land.

Let's consider the present use of this land. The only developed use of this land is the 34 single family homes of Shady Hills. The rest is vacant.

Finally, what is the future use of this land. The people who have the knowledge, our city planners, have determined the best use of this land is residential. Various versions of this determination have been clearly stated in the University City Plan, the Newell plan and the Northeast District Plan.

In closing, I ask you to consider the people of Shady Hills, the history of Shady Hills and the future of Shady Hills. The hopes and dreams of the 34 families in Shady Hills can be destroyed by the Greek Row project planned on land adjacent to our neighborhood.

Subject: Shady Hills Ellen Blackwelder's statement

My name is Ellen Blackwelder and I live at 8005 University City Blvd. in the Shady Hills sub-division. My husband Harry and I own three houses and approximately 12 acres of land in and near this sub-division. We have lived here for 20 years and would like to see our neighborhood kept as single family homes instead of institutional with fraternity houses. We are concerned homeowners as to what this will do to our property values and our ability to continue to enjoy our homes. We as members of the Shady Hills Community Association hope you will listen to our plea to keep our neighborhood a family.

Subject: Shady Hills Malcolm K. Barnhardt's Statement

My name is Malcolm Barnhardt and I live at 8247 Shady Hills Circle in the Shady Hills Sub-division. I purchased my property in 1955, 37 years ago for a single family house as the idea for a single family sub-division was expressed to me by the developers Bob Barritt and Henry Bryant. My house was the first dwelling in the sub-division and was built almost entirely by myself.

Having been in the community for more than 37 years, where the only property use in this sub-division has been single family homes, my wife and I feel this sub-division should remain the same.When the Planning Commission first began to zone property in the county a portion of this sub-division was zoned single family and another portion was zoned institutional. This did not seem to be of any immediate concern to me until I realized that this was a veritable Pandora's Box that would allow many things of an objectionable nature including a dog pound or even a jail or prison.

Being a retired Building Inspector for the Housing Division of the City of Charlotte, I have first hand knowledge of the desirability of a single family community over that of a hodge podge nature such as an institutional area.

Institutional usage would bring greater demands on this area than single family. Traffic generated by the high concentrations of persons in a fraternity or sorority housing project will be significant. If the area had streets running in diagonal directions and several entrances and exits traffic could be diverted in different directions. Presently only one way in and out exists which is most likely to remain the same.

In closing, may I assure you that I am in no way opposed to progress but rather have been a part of it by building the first two homes in the Shady Hills sub-division. Having enjoyed the tranquility of this area as single family, I would like to remain here under the same conditions with the Shady Hills Sub-division as a single family area.

#2

February 17, 1992

Mayor Richard Vinroot, Members of Council
Zoning Committee Members, Planning Commission Staff
and Shady Hills Community Association

Re: Shady Hills Petition 92-4
W. T. Harris Boulevard and University City Boulevard

Ladies and Gentlemen:

I am here to speak vehemently against the Shady Hills Petition to down-zone my property from Institutional to Single-Family Residential.

I have communicated with some of you prior to this hearing, and copies of those communications are attached to this package.

What I wish to speak to tonight is what I consider community abuse of privilege. We all have the privilege to drive, and yet we speed, turn right on red when we shouldn't, and commit other traffic violations, all to our community detriment.

We all have the privilege of responsibly occupying our space on this earth and yet we abuse it by littering, wasting natural resources and in numerous other ways, all to our community detriment.

We all have the privilege of living under a government of laws, and not a government of women/men, and yet we abuse that privilege. In this particular instance, I believe, by the filing of this down-zoning petition by Shady Hills Community Association against my property, which is highly remote from the fraternity house concerns of the Shady Hills Community Association. In fact, I have received information from members of the Community Association that my property was not considered a part of the original down-zoning Petition until it was suggested by Planning Commission Staff that the area of down-zoning be expanded.

This brings to mind what I consider to be the final abuse of privilege. Our Planning Staff is empowered to better conditions in Charlotte/Mecklenburg for all of its citizens. It determined, I believe inappropriately, several years back, that my property was not right for continued Institutional Zoning (which I equate with high-calibre office development) but should be zoned multi-family. I resisted that inappropriate change, and was successful when the County Commissioners voted, as they did in 1991, to delete my property from the Northeast District Plan, thus leaving it zoned Institutional.

I believe that the Planning Staff has abused its privilege of bettering conditions of all of the citizens of Charlotte/Mecklenburg by its unfair reporting of "conditions," both to the Zoning Committee and to Council. By that, I sensed that the Planning Staff was attempting to say that since it had originally suggested residential zoning for this property in its Northeast District Plan, albeit, multi-family, that single-family was not that far removed, and, consequently, it could support the single-family down-zoning petition of the Community Association.

My property was not residentially appropriate then, nor is it now. By the terms of the County Commissioners action, it remained Institutional. When it was annexed into the City it remained Institutional. My property fronts on University City Boulevard (Highway 49) at its intersection with W. T. Harris Boulevard, and its proximity to The University of North Carolina at Charlotte and the Harris Teeter/Eckerds shopping center development nearby, etc., make Institutional zoning imminently appropriate for this site.

In Rotary, to determine the merits of an activity, we have the Four-Way Test: "Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? Will it be beneficial to all concerned?" When the Test is applied to this Petition, the property's zoning must remain Institutional. To down-zone it to single-family would make it worthless, both to me and to the Community.

Most sincerely,

Samuel S. Williams
Property Owner

SAMUEL S WILLIAMS, P A
ATTORNEY AT LAW

(704) 376 0011

MAILING ADDRESS
POST OFFICE BOX 32635
CHARLOTTE N C 28232 2635

212 NORTH MCDOWELL STREET
SUITE 112 BARRISTER PLACE
CHARLOTTE NORTH CAROLINA 28204

February 7, 1992

Mr. Don Reid
4128 Carnoustie Lane
Charlotte, NC 28210

Dear Don:

Earlier this week I had dictated a letter to the Charlotte Mecklenburg Planning Commission, with a copy to you, but the tape broke. So much for the world of equipment. I did, however, relative to down-zoning petition 92-4 which is to be heard by City Council on February 17, Presidents Day, want to share with you some concerns, not only related to this matter, but other similar matters.

As you know, either the Planning Commission or interested parties can seek to down-zone other people's property.

The Planning Commission, in the Northeast District Plan, as initially proposed, sought, for some unknown reason to me, to down-zone the Watts/-Williams, etc. property, a 28 acre parcel located on University City Boulevard, at its intersection with W. T. Harris Boulevard, from Institutional, which was Office, with the approval of the University, to Residential Multi-family.

We argued long and hard with the Planning Commission and the County Commissioners and fortunately the County Commissioners voted, the property was not then in the City, to delete our 28 acres from such down-zoning, and the property was left Institutional. That is what its current zoning is.

Apparently late last year, an owner of a portion of the 28 acre parcel commenced upon plans to develop his property for fraternity house housing. In 1991, before the adoption of the new Zoning Ordinance, such housing required a special use permit. However, with the adoption of the new Zoning Ordinance and the prior annexation of this property into the City of Charlotte, no special use permit was needed in January of 1992 to develop property in an institutional zone for fraternity house housing. Danny and I

understand that the building permit for such contemplated development might have been issued. In any event, it was the fear of fraternity house housing that caused the single family neighborhood to the back, to form Shady Hills Community Association, whose members are indicated on the enclosure, and that group went to the Planning Commission, as I understand it, with a view to preclude such development on that specific fraternity house site, and apparently the Planning Commission suggested to the Shady Hills Community Association that it "expand" its down-zoning petition to cover not only the fraternity house site, but also the balance of the 28 acres, approximately 21 acres, the bulk of which is owned by C. Daniel Watts. He is the writer of the attached February 4, 1992 letter, which would have been what I would have written but for my tape malfunction.

Fred Bryant has been retained by the Fraternity House "developer" to protect his interests. I have a lot of respect for Fred, and back when the original Northeast District Plan was promulgated, I shared with Fred the fact that the Planning Commission at that juncture wanted to down-zone our property from institutional to multi-family, and he agreed with me that there was no appropriate reason to do that....that it did not make good planning sense to change our property from institutional, i.e., high-calibre office development, to some sort of multi-family development site.

In any event, the purpose of this letter, Don, is to alert you to the fact that there may be internal skullduggery in the Planning Commission, if it can't get its way in a proposed area plan, it never gives up and seeks to effect its purposes through neighborhood activities. Danny and I, and the other owners of the 28 acres, would appreciate your vote denying the down-zoning petition. If possible, Danny and I would like to take you to the site so that you can speak to the issue with familiarity, on the 17th.

Most sincerely,

SAMUEL S. WILLIAMS, P.A.

Samuel S. Williams

SSW/pg

Enclosure

cc: Mr. C. Daniel Watts
Mr. Fred Bryant

C DANIEL WATTS
REAL ESTATE

February 4, 1992

Charlotte Mecklenburg Planning Commission
600 East Fourth Street
Charlotte,North Carolina 28202-2853

Attention: Mr. Walter Fields

Re: Rezoning Petition No. 92-4, a third party petition of
Shady Hills Community Association to
Down zone from Institutional to R-3

Dear Walter:

As a very interested party to the above referenced third party down zoning request I would like to take issue with your Pre-Hearing Staff Analysis. I will take each issue chronologically as your report does.

Under Background No. 2, you failed to state that on the west (this should be east in the analysis and here too) of the subject tract in the amended Chancellor Park Office Park there is developing an 80,000 square feet Lowes Retail Store in a 100,000 square feet shopping center recently approved and up zoned to B1-SCD as of November 15, 1991 by the City Council.

Under item No. 3 in Background, you failed to give the full picture of the North East District Plan. The plan itself as adopted on July 9, 1990 by the County Commission specifically deleted this tract from the recommended down zoning by the Z & P staff at that time. The adopted plan makes no reference to this being a corrected rezoning.

After this plan was adopted and within the last 60 days I specifically, face to face asked Carol Morris of the Z & P Staff why the map was not changed to conform to the adopted plan? She told me "we do not change the map. It is simply a plan and maps are not changed." Walter, your call here for multi-family references the map only and not the adopted plan as you have repeatedly stated through out this analysis.

Under the Review heading item No. 1 you again reference the North East District Plan. Our above stated comments are appropriate for this item also.

Continued

2514 KNOLLWOOD ROAD, CHARLOTTE, NORTH CAROLINA, 28211, 704/364 6628

COMMERCIAL LISTING EXCHANGE
CLE
CHARLOTTE BOARD OF REALTORS
REALTOR®

Under Issues, Item no. 1 again you consistantly refer to the ultimate vision on this site. The ultimate vision is that of the zoning and planning staff only and not the owners of the tract most of whom have owned their property in excess of 20 years and have envisioned an upscale office park development similar to that in the South Park area. Such an upscale development would be advantageous in concentrating additional employment at an intersection of heavy travel between the two major arteries of University City Boulevard and W. T. Harris Boulevard.

Protection for the adjoining residential neighborhood on Carolyn Lane is accomodated by the natural topography, ie creeks and gullys between the two areas plus the buffer areas required under the new zoning ordinance.

Under your conclusion Walter you again reference the district plan in effect erroneously. You are <u>not</u> referencing the adopted plan on this property; you are referencing the <u>map only</u> which was never changed. In my opinion this is not appropriate.

Sincerely,

C. Daniel Watts

SAMUEL S WILLIAMS, P A
ATTORNEY AT LAW

(704) 376 0011

MAILING ADDRESS
POST OFFICE BOX 32635
CHARLOTTE N C 28232 2635

212 NORTH MCDOWELL STREET
SUITE 112 BARRISTER PLACE
CHARLOTTE NORTH CAROLINA 28204

January 23, 1992

Mrs. Ella Scarborough
801 Braxfield Drive
Charlotte, NC 28217

Dear Mrs. Scarborough:

Thank you again for having shared Dr. King's dream with Top-of-the-Week Rotary with us on Monday, January 20th, and having urged us to look beyond ourselves.

I could not help but think, as you were speaking, that the world is full of dreams, not just those of Martin Luther King, Jr., but others as well.

Several of those "dreamers" live in Charlotte/Mecklenburg now, and include C. Daniel Watts and the writer.

Over the past thirty years, Danny and I have acquired property on University City Boulevard adjacent to Toby Creek, adjacent to what is now W. T. Harris Boulevard, what was then and is now zoned institutional, which, as you know, permits office and related development that is compatible with University concepts.

Only recently, in 1991, these two dreamers, and some others, contracted with a local land planner, and had a conceptualized Land Use Plan developed, see enclosure. The direction that we want to take is evident, an office type of development, that is totally compatible with the neighborhood and the University of North Carolina at Charlotte. This plan was developed under the provision of the prior zoning ordinance.

Previously, we have had to fight to maintain our dream, fight the down-zoning efforts of the Planning Commission, and successfully obtain the approval of the County Commission for the perpetuation of Institutional zoning.

Since those 1991 events, we have been annexed into the City, and earlier this month some residents living in the area, united to resist the efforts of a property owner near us to develop a possible fraternity house project. These neighborhood people have now sought to not only down-zone the developer's fraternity house project, but also our Institutional property.

We have never conceptualized fraternity house development, notwithstanding the logic of same because of its proximity to the University, but have unbendingly sought development of an office and related nature.

We believe that office and related development is highly desirable and makes a good neighbor for a residential neighborhood. All of our dreamers have received packages with protest petitions, and on February 17th, the matter will be heard. Although many expert zoning authorities, lawyers and planners, attempt to lodge communications with governmental officials at the very last moment, so that it is the last thing on their busy agendas, I felt as if it would be beneficial to share my concerns with you early, to share my dreams with you in January, so that perhaps it would be possible between now and February 17th, for you to go to the area with Mr. Watts and me to better understand what it is we are seeking to preserve, and perhaps your vote in our favor could make our dreams come true. I certainly hope so.

Most sincerely,

SAMUEL S. WILLIAMS, P.A.

Samuel S. Williams

SSW/pg

Enclosures

cc: Mr. C. Daniel Watts

#2

FRED E. BRYANT, PLANNER

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

February 17, 1992

Mayor Richard Vinroot and
Members, Charlotte City Council and

Chairperson Anne McClure and
Members, Zoning Committee
Charlotte/Mecklenburg Planning Commission

Dear Ladies and Gentlemen:

I represent Mr. Alan Lovett, the owner of over one-fourth of the area which has been requested for downzoning by the Shady Hills Community Association. This is identified as Rezoning Petition 92-4 and involves a proposal to change from Institutional to R-3 approximately 28 acres of land on the south side of University City Boulevard (NC 49). My client joins the other affected property owners vigorously protesting this downzoning.

Please consider the following facts as you deliberate the merits of this request.

1. My client purchased this property with the intended purpose of placing on it several fraternal organizations related to the student body of nearby UNCC. Initially, he requested a Special Use Permit under the old ordinance provisions for Institutional, but then determined that such a permit would not be necessary upon the effectiveness of the new zoning ordinance on January 1, 1992. With the effective date of that ordinance, Mr. Lovett has applied for a building permit for his anticipated development, and that is now pending with an expected early approval date.

2. The Lovett Property is located with frontage on University City Boulevard (NC 49) and is adjacent to other institutionally zoned property owned by other parties who are also protesting this downzoning. Additionally, this overall area is related to a greenway owned by Mecklenburg County and a retail and office area approved at the interchange of Harris Boulevard and NC 49. Under these circumstances, the property is not functionally reasonable for single-family development purposes, and the purchase price paid by Mr. Lovett did not reflect this use circumstance.

3. When the Northeast District Plan was originally proposed, it indicated this area should be considered for a change from Institutional zoning to Multi-Family zoning (see attached excerpt from the Northeast District Plan). However, when the Board of County Commissioners considered this area, which was then in their jurisdiction, they refused the downzoning portion of the plan and indicated that the Institutional classification

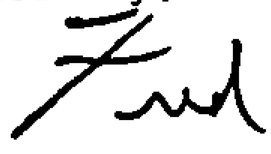
should remain. There has since evolved considerable discussion over the results of such decisions, and Planning Staff has recently been instructed by the County Commission to amend plans to reflect their decisions on downzonings. Therefore, theoretically, the plan should have been amended to reflect a continuation of the Institutional classification. As shown on the attached map of the Northeast District Plan, this has not been done, but the property continues to be reflected as future Multi-Family. It is important to note that Mr. Lovett's intended use of this property would be permitted under either the existing Institutional zoning or the Multi-Family which was recommended in the original Northeast District Plan.

4. The Planning Staff recommendation contains the somewhat amazing statement that "neither the proposed zoning classification nor the existing zoning classification is entirely consistent with the District Plan in effect for this portion of the community. However, the proposed Single-Family classification does offer some advantages to the nearby neighborhood above that provided by the existing Institutional category." This statement raises the unusual question of what merit are these new district plans if, as in this instance, the worst case scenario calls for rezoning the property to Multi-Family and Planning Staff turns right around and says Single-Family zoning would "offer advantages to the nearby neighborhood." What about the rights of the property owner who legitimately purchases land, prepares to use it in conformance with both existing zoning and a plan adopted by the Planning Commission and then have the statement made that something different would offer advantages to someone else? Please examine carefully the integrity of these plans if they are to be treated in such a "wishy-washy" manner.

In summary, Mr. Lovett protests the downzoning as reflected in Petition 92-4, not only for his own property, but for all the other land that is involved. Institutional zoning which has been substantially reduced in its flexibility of usage with adoption of the new ordinance, offers a very reasonable use of this property given the locational factors previously cited. In addition, after the neighborhood indicated objections to the fraternal use of this property, Mr. Lovett offered to sell the property to them for an amount very close to the taxable value. The original tax appraisal was substantially higher, but upon appeal was reduced to $145,000, and the property was offered to the neighborhood for $158,000. This was not accepted, and now the neighborhood is trying to reduce the value of the property through an ill-advised downzoning effort.

Please consider all of these facts in your deliberations as to whether or not this request constitutes a reasonable zoning approach.

Sincerely,



Fred E. Bryant, AICP

FEB/df

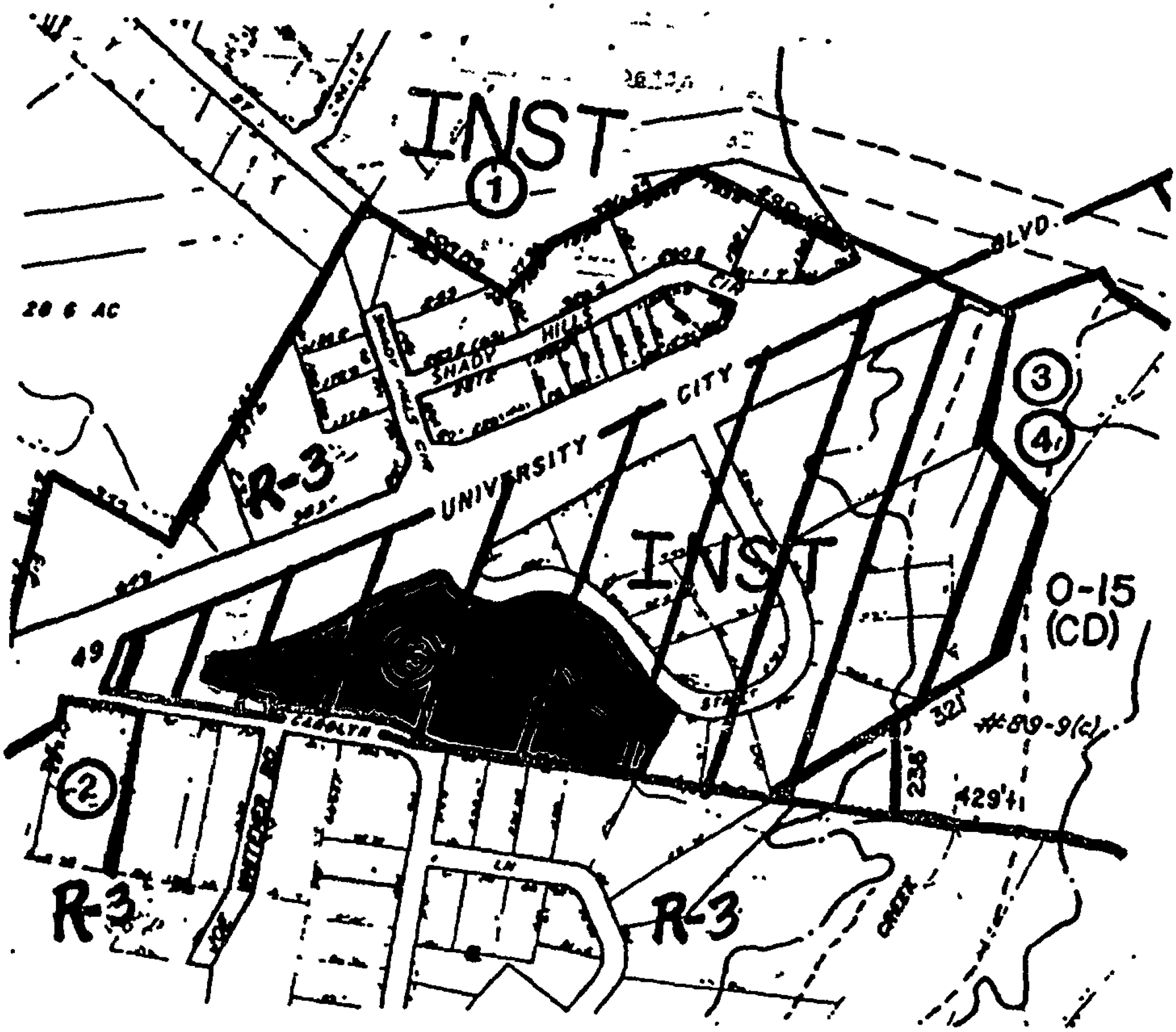
Attachments

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 (M.C. 49) at Carolyn Lane.



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

PROPERTY PROPOSED FOR CHANGE

Multi-family zoning, however, may be appropriate through the conditional planning process. An interior B-1 site should also be included in this rezoning.

- O-6 and B-1 property on northwest side of Plaza Road: An existing shopping center (Harris Teeter) is developed on the northeast corner where Milton Road intersects with Plaza Road. Adjacent to the center is a vacant B-1 parcel. The B-1 parcel should be rezoned to R-12MF. Many of the existing businesses are closing in the area and new commercial ventures are unlikely; if built, additional commercial may further complicate attempts to fill existing vacant stores. The site is ideal for multi-family since it is adjacent to a commercial center and on a major thoroughfare. A multi-family housing project has recently been approved on the lot adjacent to the shopping center.

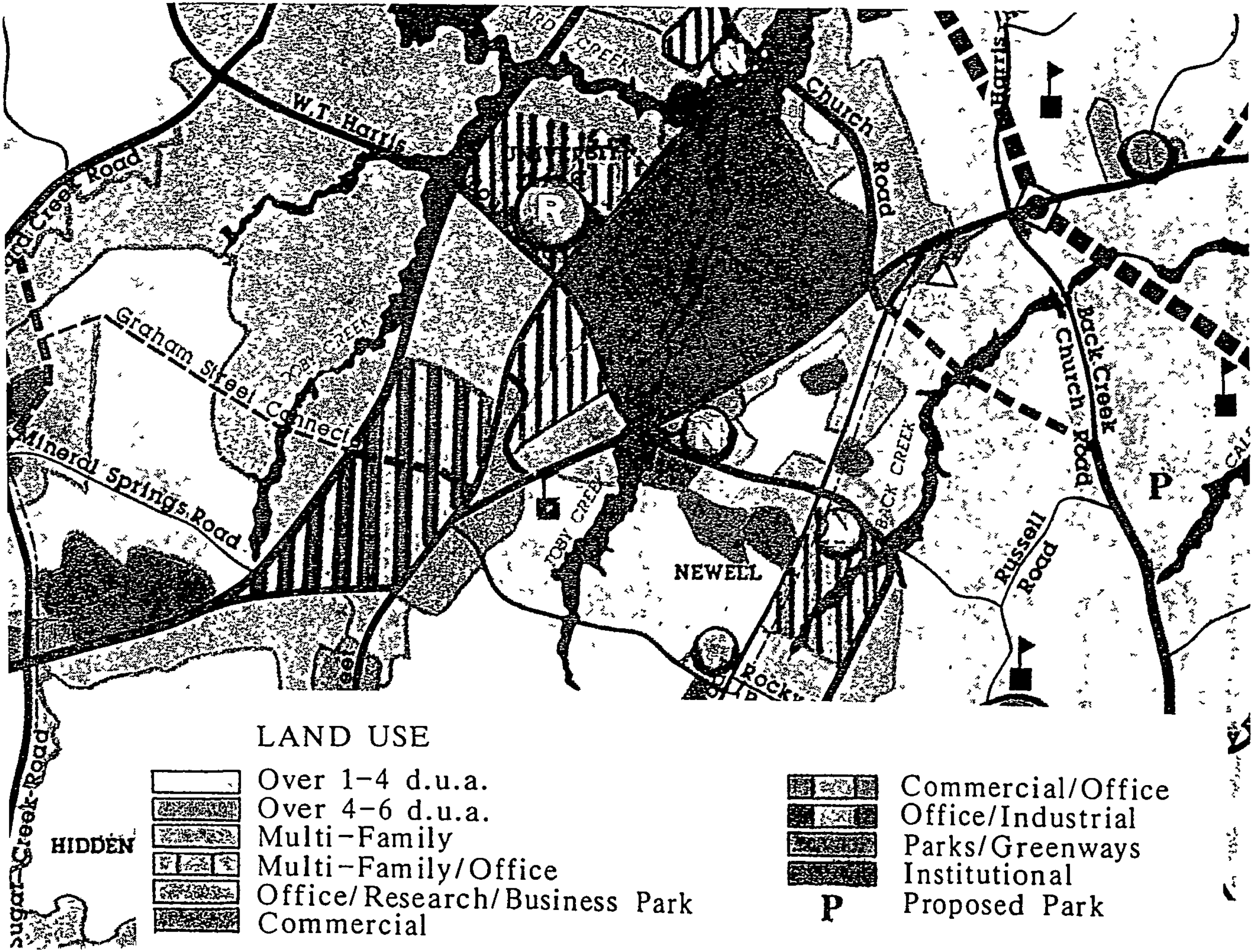
- Institutional zoning east and west of N.C. 49, south of Harris Boulevard: Just south of the intersection of Harris Boulevard and Hwy. 49, institutional zoned land exists on both sides of the road. On the east side, a vacant tract exists abutting a greenway to the north and single family zoning to the east and south. The property should be rezoned to R-12MF to create a residential component associated with the mixed use center at N.C. 49 and Harris Boulevard. The rezoning would also prevent stripping out N.C. 49 between Harris Boulevard and the N.C. 49/U.S. 29 intersection with nonresidential uses.

  On the west side of N.C. 49, a small single family neighborhood (Shady Hills) exists. Further west is land surrounding the Hampton Park neighborhood, currently zoned institutional. The Shady Hills subdivision and land extending further east should be rezoned to R-12MF to establish an opportunity for building a sizable multi-family development. The multi-family would complement the mixed use center at N.C. 49 and Harris Boulevard.

- I-1 property on the northern quadrant of Hucks Road and N.C. 115: East and west of the railroad tracks at the N.C. 115 and Hucks Road intersection is I-1 zoned land occupied by a few older single family homes. Industrial development should not extend east of N.C. 115 north of the intersection.

  The land between the rail line and N.C. 115 should be rezoned to R-9, reflective of zoning north of the property, and the land east of the rail line should be rezoned to R-12. Multi-family development on both sides of the tracks may be appropriate through the rezoning process. A commercial center having a light rail transit station may also be appropriate for the land west of the railroad track.

- Statesville Road Park Property: Land owned by the County for developing a park along Statesville Road is zoned R-12MF. The property should be rezoned to R-12. Generally parks in this county are zoned with a single family classification.


W.T. Harris
Graham Street Connector
Mineral Springs Road
Church Road
Harris
Back Creek Road
Russell Road
NEWELL
TOBY CREEK
BACK CREEK
Rocky
HIDDEN
Sugar Creek Road
LAND USE
Over 1-4 d.u.a.
Over 4-6 d.u.a.
Multi-Family
Multi-Family/Office
Office/Research/Business Park
Commercial
Commercial/Office
Office/Industrial
Parks/Greenways
Institutional
P
Proposed Park

REALFIN, INC.

1023 Ferncliff Road, N.E.
Atlanta, Georgia 30324
404-237-6430
Facsimile 404-237-0375

RECEIVED
FEB 18 1992
OFFICE OF CITY CLERK

#3

February 11, 1992

Charlotte City Council
c/o Charlotte Mecklenburg Planning Commission
Government Center
600 East 4th Street
Charlotte, North Carolina 28202

RE: ZONING PETITION
8724 & 8816 NORTH TRYON STREET
16.199 ACRES

Honorable Members:

REALFIN, INC. is requesting a sixty (60) day delay in the above stated petition.

The reason for this request is that our Traffic Consultant has not had enough time to complete the required traffic study.

Thank you for your consideration.

Sincerely,

Ron P. Curry
President

Deferred to 4/20/92 BCT.

cc: James Bryant, III, Esquire
Womble Carlyle Sandridge & Rice

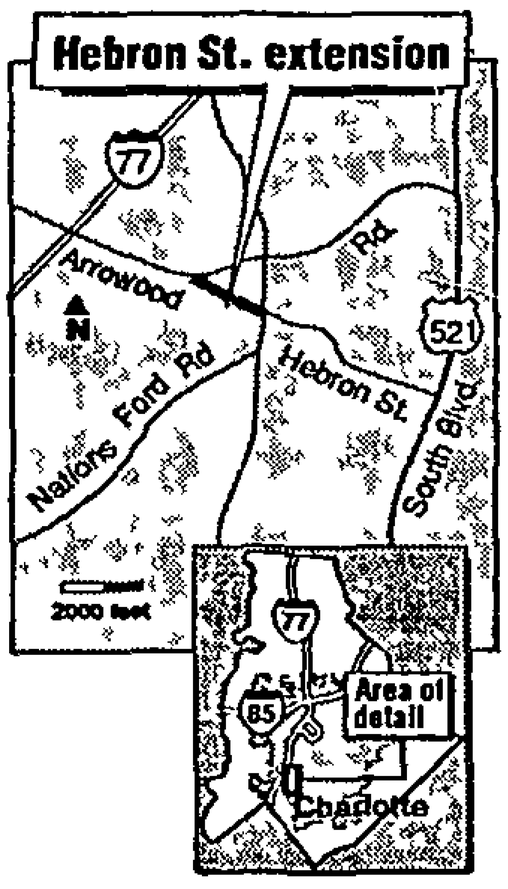
#11

PETITION 92-13

JEFF SINER/Staff

Sign on Arrowood Road points to Hebron Street extension, which should be done by the end of this month It will link Arrowood and Nations Ford roads

Hebron St. cuts a new trail to I-77



By DIANNE WHITACRE
Staff Writer

I 77 will be easier for many South Boulevard commuters to reach next month when a half mile stretch of Hebron Street is opened

Work is being completed now on the three lane road between Nations Ford and Arrowood roads When the road is open to traffic drivers from South Boulevard can use Hebron Street to reach Arrowood Road and the interstate avoiding the congested South Boulevard Arrowood Road intersection

The road which runs diagonally from northwest to southeast also should reduce traffic volumes at the intersection of Nations Ford and Arrowood roads said traffic planner Joe McLelland Nations Ford north of Arrowood now carries 24 300 cars a day and 17 200 south of Arrowood

McLelland said Arrowood drivers are already using the completed stretch of Hebron Street between Nations Ford and South Boulevard to avoid the Arrowood South Boulevard intersection You re *going to try to find a way to avoid that* intersection at 5 p m he said

The new road should make traffic flow at bit better at the same time Carolina Place mall draws even more traffic to south Charlotte The bigger impact will be when Carolina Place mall opens It will bring a lot more people south McLelland said Many of them probably will use the I 77 Arrowood Road interchange and then head south to the mall, opening July 24 on N C 51 in Pineville

Crews for Blythe Industries are winding up work now on the road which should be complete in late July said *Steve Wallace* who is paying for most of Hebron Street s extension through his property Hebron Pointe a planned office commercial development

One of the first tenants will be the south Mecklenburg satellite campus of Central Piedmont Community College which has bought 70 acres at Arrowood and Hebron

Wallace s Carmel Financial Group and the City of Charlotte are extending Hebron Street as a joint public private project costing $3 6 million Wallace donated the road right of way and is paying for the road s construction The city is paying $1 5 million toward the project s cost said Bob Wilson public service engineer with the City of Charlotte

His contribution in land alone is very significant Wilson said but Wallace benefits significantly too His land is now opened for development

Construction of the road was delayed for several months because of the financial problems of its lender N C Federal Savings & Loan Wallace said Realigning Arrowood near Hebron also delayed construction Wallace said

The city s share comes from a $7 6 million fund voters approved in November 1988 for public private local road building efforts Another public private road venture was the construction of Colony Road through Morrocroft between Sharon and Fairview roads Extending Hebron Road is on the city s minor thoroughfare plan and would have been done eventually with tax money

Traffic signals will be installed at Hebron s intersections with Arrowood and Nations Ford roads

CHARLOTTE

August 12, 1991

Mr. Steve Wallace
Carmel Financial Asso.
P.O. Box 470407
Charlotte, NC 28247

Dear Mr. Wallace:

I would like to issue you a special invitation to join me on the program for a ribbon cutting ceremony Friday, August 23 at 11:15 a.m. to celebrate the opening of Westinghouse Boulevard and Hebron Road. I know that you have been instrumental in the success of both these projects and would like to offer you or your representative an opportunity to talk for a couple of minutes about their importance from your perspective.

The ceremony will take place at the intersection of Hebron Road and Arrowood Road and will be followed by a bus tour of the new roads to demonstrate the impact they will have on southeast/southwest traffic movement. The Public Service and Information Department is coordinating the event, so I ask that you contact Linda Gallehugh, at 336-2395 to RSVP so we can get the appropriate name on our agenda.

I'll look forward to seeing you and personally thanking you for your contributions to these important projects.

Sincerely,

Sue Myrick

SUE MYRICK

bs

Sue Myrick, Mayor
Office of the Mayor 600 East Fourth Street Charlotte, NC 28202-2839 704/336 2244

SUPERAMERICA®
SuperAmerica Group Inc

REAL ESTATE DEPARTMENT

SuperAmerica Group Inc
P O Box 14000
Lexington Kentucky 40512
(606) 264 7366/7369

Zoning MTG
12/17/91

November 27, 1991

City Clerk
Charlotte City Council
600 East 4th Street
Charlotte, NC 28202-2853
Phone No . (704) 336-2205

RE Petition No. 91-79
North Tryon Corridor Plan
Dated November 20, 1991
(Tax ID #091-051-08)

To Whom It Concerns:

We are in receipt of the above referenced petition No. 91-79 and are hereby entering our formal protest.

SuperAmerica Group, Inc. owns a parcel of property currently zoned Industrial and does not desire to have the zoning changed at this time If, in addition to this letter, a formal protest petition form is required, please forward a petition form to the undersigned at the address contained in the letterhead

Should you have any questions or wish to discuss the above, please contact the undersigned at (606) 264-7367.

Sincerely,

Robert L Fields

RLF/kal

cc Kimberly Owen, Attorney
Jim Deselms
John Thaxton

RECEIVED
DEC 2 1991
OFFICE OF CITY CLERK

FRED E. BRYANT, PLANNER

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

M E M O R A N D U M

DATE: December 17, 1991

TO: Mayor Richard Vinroot and
Members, Charlotte City Council and
Chairperson Anne McClure and
Members, Zoning Committee of
Charlotte/Mecklenburg Planning Commission

FROM: Fred E. Bryant, AICP F. E. B.

SUBJECT: Proposal to Downzone Property on North Tryon Street (Rezoning Petition 91-81)

I represent Mr. Peter Couchell who is the owner of a 2.369 acre lot located at 5920 North Tryon Street. This site is on the easterly side of North Tryon Street, north of Orr Road and is identified in yellow on the attached rezoning map and a tax map. Mr. Couchell is protesting the changing of this property from I-2 to B-2 for several reasons which are stated below and which are illustrated on the attached map material.

1. In examining the overall area included in Rezoning Petition 91-81, it appears this is predominantly an effort to strip out B-2 zoning along North Tryon Street without fully considering the economic impact it will have on individual properties. The east side of North Tryon Street has been zoned the industrial classification for approximately 30 years, and many uses have developed during that time period in reliance on the industrial classification. I would suggest to you, if you examine the visual appearance of the western side of North Tryon Street which has been zoned B-2 for approximately the same period of time and the visual environment along the east side, you will see very little difference in overall quality and, therefore, I question the validity that changing the zoning will improve the corridor design quality.

2. For some reason which is not apparent after examining the on-site uses in the area, two lots were chosen to be left out of the proposal to downzone including one lot which is adjacent to Mr. Couchell's site. This lot has on it a fence company which has converted an older residential structure for office and sales purposes and does have some outside storage associated with the fence business. But, if you examine the commitment of the use for Mr. Couchell's lot, it is hard to understand why the one lot would be left out of their downzoning while a much more substantial building designed and used for industrial purposes would be left in.

3. As can be seen from the site plan, located on the subject lot is a substantial industrial-type building with dimensions of 100 feet wide and

300 feet deep. This is obviously not a building which was built for retail purposes, but for industrial-type occupancy. As you will note from the sketch, there are, at the present time, three users in this building. The first is an auto parts sales and repair business which would be allowed under the B-2 classification. The second portion is occupied by a wholesale grocery facility which is questionable as to whether or not it would qualify under B-2 and the third user which occupies over one-half of the building is a fixtures manufacturing company which very definitely is an industrial use. How does a property owner with a building which has been built for industrial-type purposes, occupied predominantly for that purpose, deal with a potential change of use when the predominant use is non-conforming?

4. As you can see from the map, the property is underutilized at the present time with buildings, and it was anticipated that at some time the building would be extended to the rear as needs developed. Obviously, such an extension would not be for the type of uses which would be permitted under the B-2 classification, but would be affiliated with the type of uses already in the building as well as those which are located to the rear which are of an industrial nature and would remain zoned industrial.

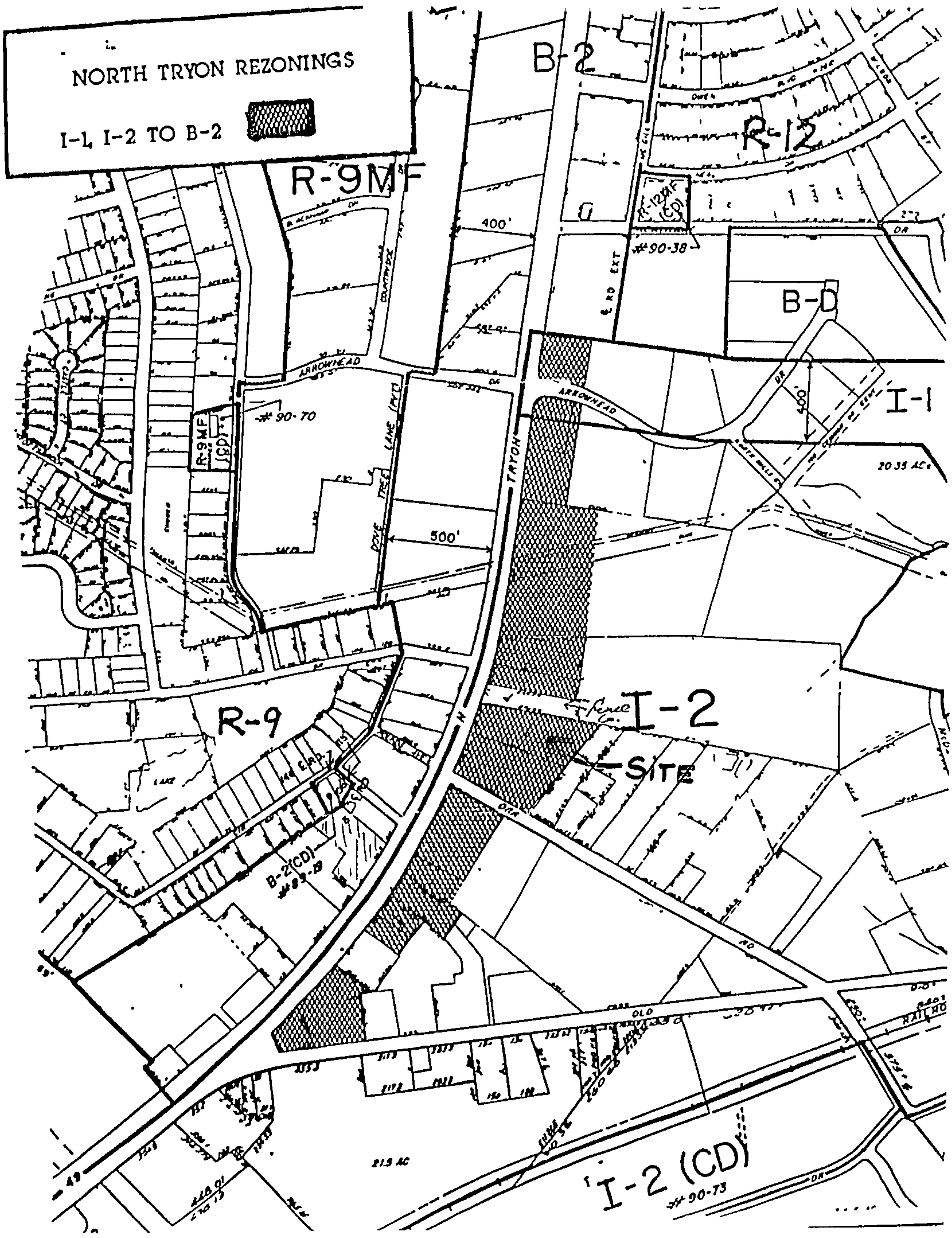
5. Many of the parcels along this section of North Tryon Street which have been proposed to have their frontage changed from industrial to B-2 are deep properties which would mean that the sites would be cut by a zoning boundary line and create some impossible conditions as to how do you mix uses on a parcel of land with two definitely different zoning classifications in effect. While my client's lot is not so affected, I point this out because I think it is of further indication that little attention was given to the practical impact of simplifying a zoning change by just including all the property fronting on a given roadway.

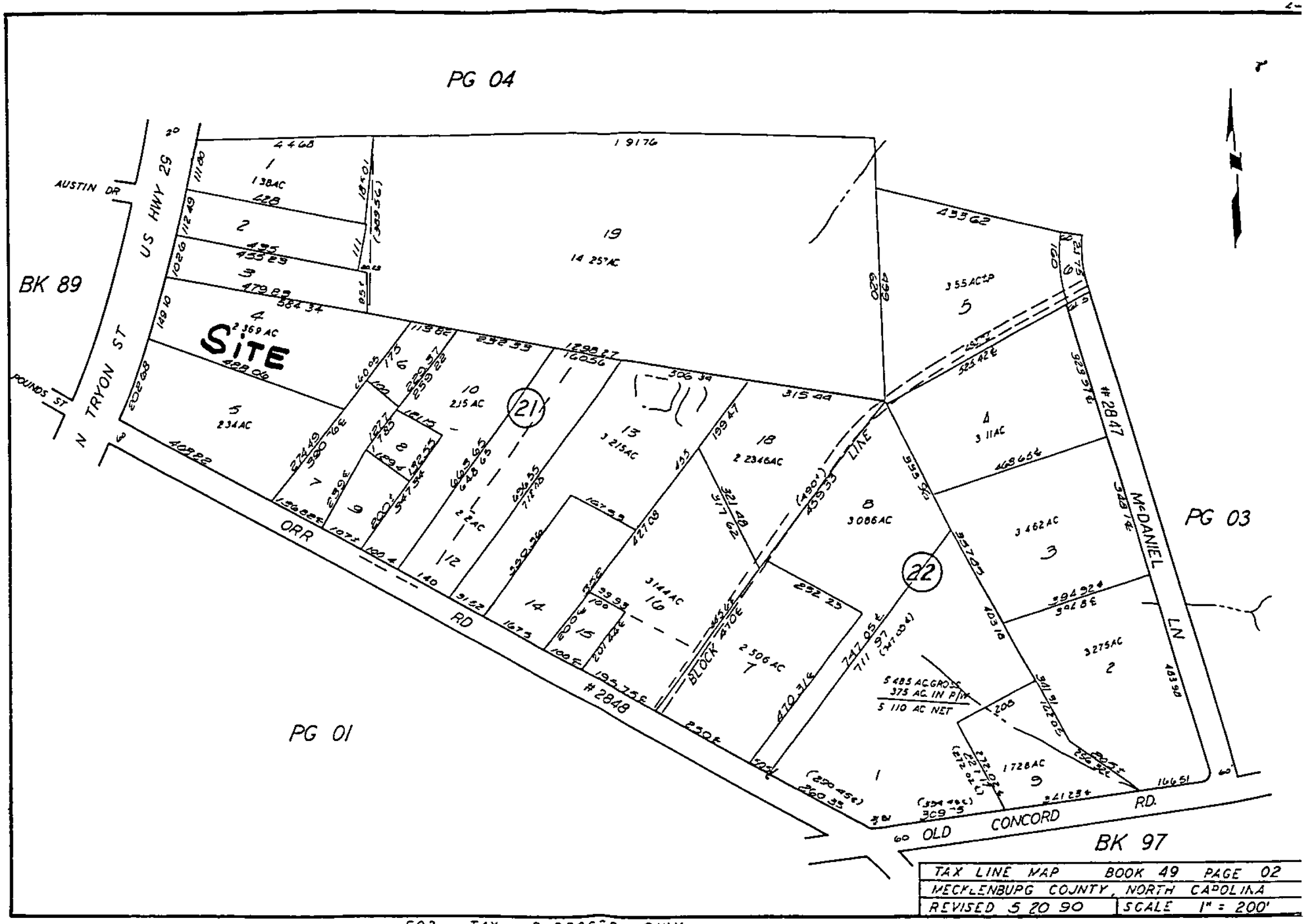
6. I have checked the situation with the Zoning Administrator, and he informs me that there would be a problem in any kind of internal rearrangement of this building since only the portion now clearly used for industrial purposes would be allowed to be continued in that way. This creates an internal problem for the owner if one of the existing conforming uses decides to leave and there is a need to expand the non-conforming use. All of this creates substantial hardship on the part of the owner in being able to satisfactorily utilize the property as it has been built over the years. At the same time, it is not apparent that any substantial overall improvement to the North Tryon Street Corridor would be achieved by making this lot B-2 under the circumstances outlined while the adjacent lot would continue to have the benefits of the I-2 classification.

Please review these circumstances carefully, and we would be glad to arrange a visit for any of you to the property to review both the internal and external circumstances related to this site.

FEB/df

Attachments


NORTH TRYON REZONINGS
I-1, I-2 TO B-2
B-2
R-12
R-9MF
B-D
I-1
I-2
R-9
B-2(CD)
I-2 (CD)
SITE
ARROWHEAD
TRYON
OLD
400'
500'
90-38
90-70
90-73
89-89
20.35 AC
21.3 AC



FOR TAX PURPOSES ONLY

CUSTOM FIXTURES
A DIVISION OF R J HERTFORD, INC
P O BOX 18840 • CHARLOTTE NC 28218
(704) 596 3675
FAX (704) 596 3676

December 13, 1991

Charlotte Mecklenburg Planning Commission
600 E. Fourth Street
Charlotte, NC 28202-2853

Re: Petition No. 91 - 81
North Tryon Corridor Plan

Gentlemen:

Custom Fixtures is located at 5920 North Tryon Street and our operation would be adversely affected by your proposed plan.

The company has been located in this building for approximately 30 years. We are a custom woodworking organization and our typical products are bank teller lines, attorneys offices, reception desks, board room paneling and conference tables. We are a manufacturing company requiring an I-2 zoning.

If this proposal is adopted, I am concerned that our growth plans would be curtailed.

In 1987 our company had seven employees and occupied 8,000 SF of space. We presently have eighteen employees and occupy 14,000 SF of space. Without the ability to expand further, we would be forced to find a new location at considerable moving expense. Our present facilities are now fully utilized and expansion will be required along with a larger staff.

I would appreciate your careful consideration to my problem and not rezone this property.

Very truly yours,

Robert J. Friedheim
President
Custom Fixtures

On a warm spring day in 1891, Charlotte's first electric trolley rumbled out of The Square on its maiden trip to the new streetcar suburb of Dilworth. It changed Charlotte forever.

The opening of Dilworth "revolutionized the lifestyles of middle class and affluent Charlotteans," one historian has noted. Instead of the crowds and congestion of the city, Dilworth offered a peaceful setting of broad boulevards, wide lawns and towering trees. "Country living six minutes from The Square," it was called.

A hundred springs have passed since that day in May 1891; yet the beauty, charm and relaxed lifestyle of Dilworth still endure. Now, as then, it's one of Charlotte's most desired neighborhoods.

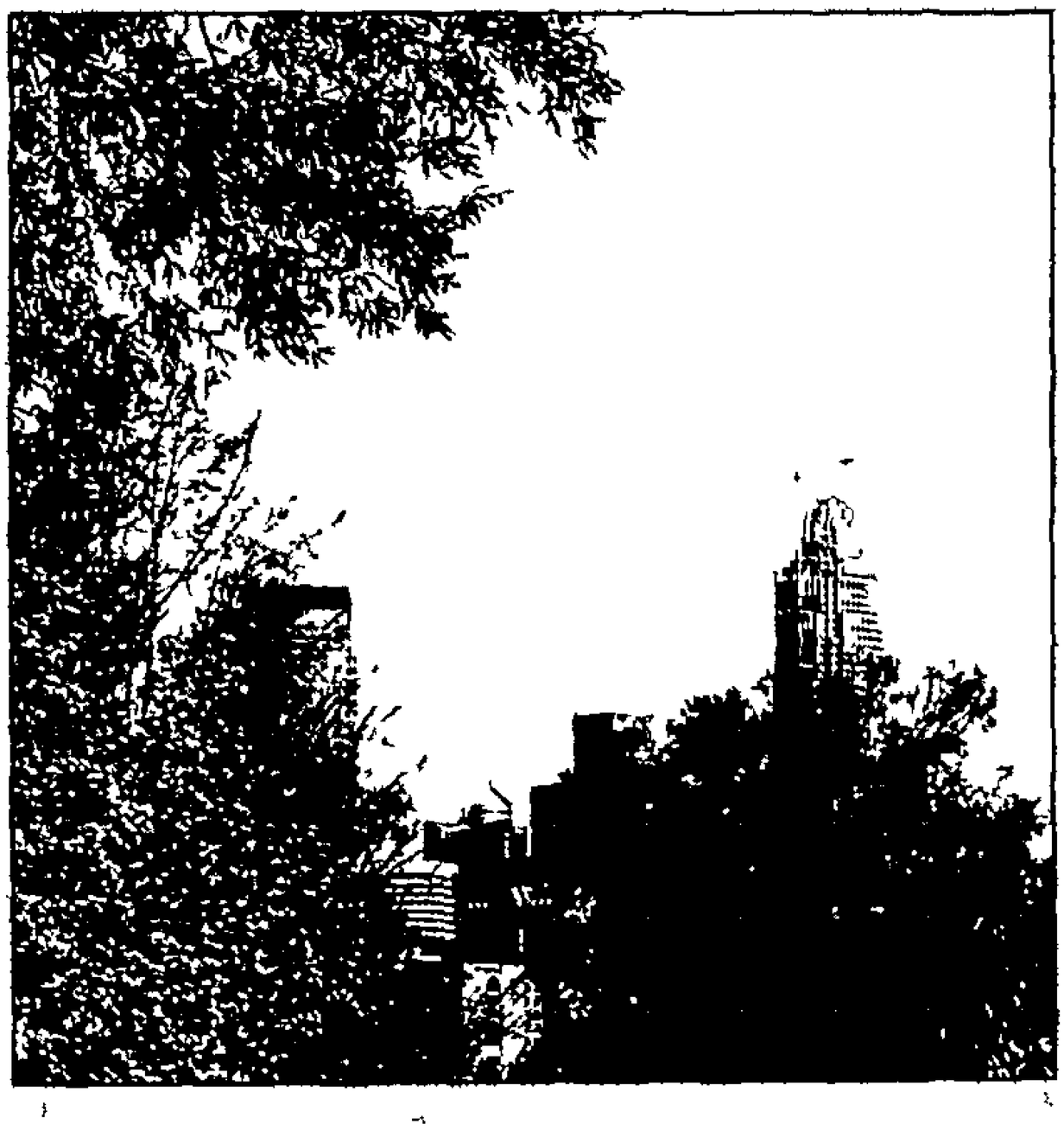
The spirit of innovation that characterized Dilworth's birth—and its timeless grandeur—live on in a distinguished new community that's rising under the tree canopy of Dilworth Road, the very spine of the neighborhood.

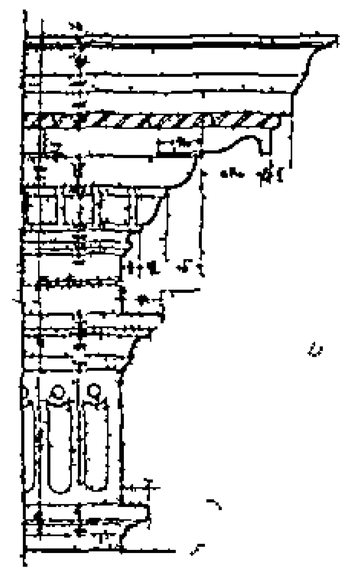
Welcome to Dilworth Crescent.

JEFF ADAMS

HELEN ADAMS REALTY
2301 C RANDOLPH ROAD
CHARLOTTE N C 28207
704 375 8598

HOME 704 366 0584

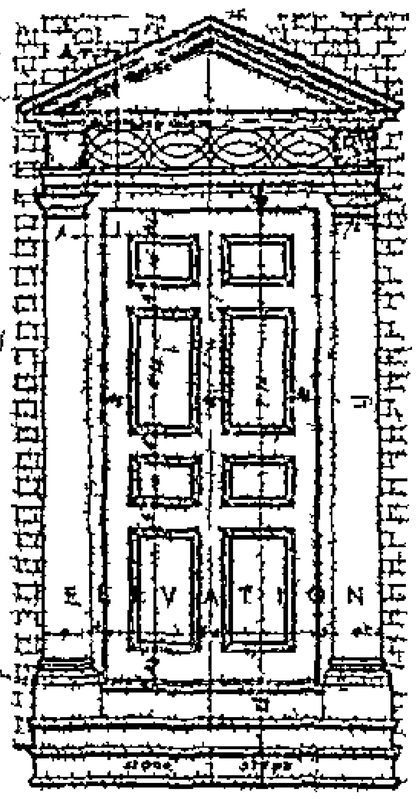


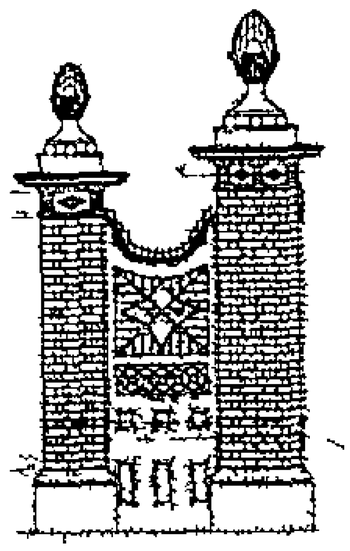


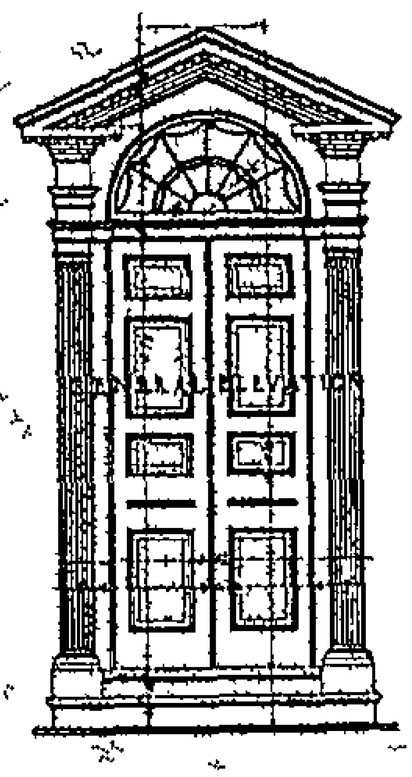
Just a few paces from the corner of Dilworth Road and East Morehead Street—once the end of the trolley line—is Dilworth Crescent, a community of 39 exceptional in-town residences

Lying between the sparkling skyline of Uptown and the winding footpaths of Latta Park, Dilworth Crescent's exceptional location and conveniences are matched only by the careful planning and attention to detail so evident throughout the historic neighborhood

The homes at Dilworth Crescent are inspired by the architectural refinement and solidity of the Federal, Adam and Georgian styles This classic American architecture, with its authentic character and detailing, is reminiscent of Charleston's Battery, Richmond's Monument Avenue and Savannah's waterfront

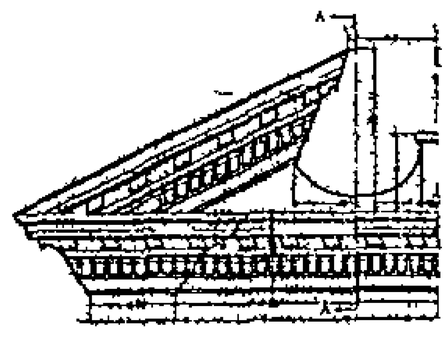


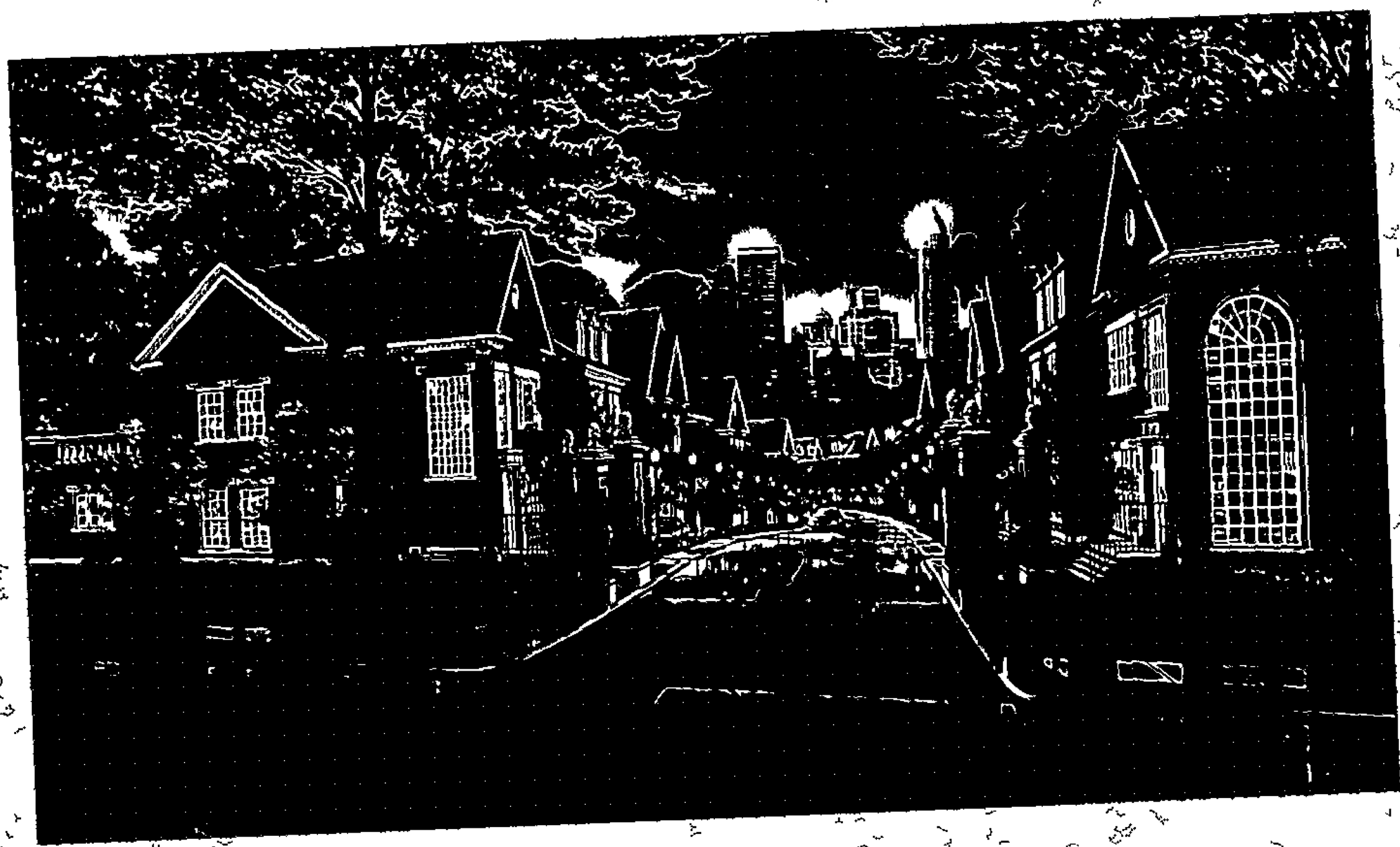




Every home at Dilworth Crescent features a unique front door pediment and handsome ironwork. Like the grand homes of Charleston, Richmond and Savannah with their raised ceilings, detailed staircases, curved-wall foyers, heavy wood moldings, rich hardwood floors and elegant fireplace mantels, the homes at Dilworth Crescent exhibit craftsmanship throughout. The private brick-walled backyards, attached garages and brick sidewalks are features special to Dilworth Crescent.

While this elegance and detailing are reminiscent of a century gone by, the homes at Dilworth Crescent are free of the maintenance problems that so often accompany an older home. At last, in Charlotte's most historic planned neighborhood of trees and lawns, Dilworth Crescent weds genuine old-home charm with modern materials and construction techniques.





The six-minute trolley ride from The Square to the Dilworth of 1891 is an even shorter ride by car today, making Dilworth Crescent particularly convenient to Uptown workers The I-277 loop is a few blocks away, providing immediate access to the entire region via I-77 and I-85 The airport is a quick ride down I-77 to Billy Graham Parkway Equally close are the restaurants and boutiques of East Boulevard, the YMCA, grocery stores and the malls And Latta Park is a short, pleasant walk up Dilworth Road past some of Charlotte's finest residences

These conveniences no doubt would astonish the Victorian-era developers of Dilworth whose revolutionary ideas created a neighborhood and a lifestyle that Charlotteans have loved for a century

Dilworth Crescent is a fitting complement to its historic predecessor It's a community combining both originality and homage to the classic architecture and planning found in Charleston, Richmond and Savannah At Dilworth Crescent, there's a new spirit, rooted in the hundred-year Dilworth legacy that lives still today