AGENDA

Meeting Type:	B
Date:	01-21-1992
SUBJECT	

City of Charlotte, City Clerk's Office

MAYOR'S SCHEDULE
January 21, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by the Reverend Don McCollum, Harbor Baptist Church.

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 - FOR

b) Agenda Item No. 3. Hearing on Petition No. 92-1

✓(1) Zak Smith, 4314 Belknap, 331-7474 -

AGENDA ITEM # 1
✓(1) BILL FARTHING - FOR - PARKER POE
✓(2) LEE EASTER, 12317 DELCORTE LN,
PINEVILLE, NC - 541-5452 - AGAINST

#4 - Gail Howell - (Neal Broome)

CHARLOTTE

Meetings in January '92

JANUARY 1 - 3

1, Wednesday

All City Offices Closed for New Year's Day Holiday

THE WEEK OF JANUARY 6 - 10

6, Monday

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

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

7, Tuesday

4 00 p m — POLICE CONSOLIDATION STAKEHOLDERS TASK FORCE - CMGC, Room 118

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

8, Wednesday

8 00 a m — CLEAN CITY COMMITTEE - CMGC, 9th Floor, Purchasing Conference Room

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

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

4 00 p m — BLUE RIBBON CONSOLIDATION COMMITTEE- CMGC, Rooms 270 - 271

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

6 00 p m — YOUTH INVOLVEMENT COUNCIL - CMGC, Meeting Chamber Conference Room

9, Thursday

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

THE WEEK OF JANUARY 13 - 17

13, Monday

4 00 p m — PRIVATE INDUSTRY COUNCIL/Long-Range Planning Committee - CMGC, Room 119

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

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

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

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

14, Tuesday

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

4 00 p m — AIRPORT ADVISORY COMMITTEE - Conference Room A, Main Terminal

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

15, Wednesday

4 00 p m — CHARLOTTE-MECKLENBURG ART COMMISSION/Detox Center Ad Hoc Committee - Detox Center, Billingsley Road

7 00 p m — METROPOLITAN PLANNING ORGANIZATION - CMGC, Conference Center

16, Thursday

12 00 Noon — CMUD ADVISORY BOARD - Utility Dept , 5100 Brookshire Blvd

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

7 00 p m — CHARLOTTE TREE ADVISORY COMMISSION - CMGC, Room 270

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JANUARY 13 - 17 (Continued)

17, Friday

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

18, Saturday

8 00 a m — **CITY COUNCIL WORKSHOP** - CMGC, Conference Center

THE WEEK OF JANUARY 20 - 24

20, Monday

1 00 p m — **COMMUNITY RELATIONS COMMITTEE/Martin Luther King Holiday Observance** - Convention Center, 101 S College Street (Public Invited to Attend)

All City Offices Closed to Observe Martin Luther King's Birthday

21, Tuesday

12 00 p m — **DIVISION OF INSURANCE & RISK MANAGEMENT** -CMGC, 10th Floor Conference Room

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

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

4 00 p m — **POLICE CONSOLIDATION STAKEHOLDERS TASK FORCE** - CMGC, Room 118

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

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

6 00 p m — **CITY COUNCIL MEETING/Zoning Hearings** CMGC, Meeting Chamber

6 00 p m — **STORM WATER TASK FORCE** - CMGC, Conference Center

6 00 p m — **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Rooms 270 -271

22, Wednesday

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

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

6 00 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Meeting Chamber Conference Room

23, Thursday

4 30 p m — **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 270

THE WEEK OF JANUARY 27 - 31

27, Monday

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

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

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

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

28, Tuesday

9 00 a m — **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** Convention Center, 101 S College Street, VIP-B Conference Room

12 00 Noon — **CITY COUNCIL/COUNTY COMMISSION CONSOLIDATION DISCUSSION** - CMGC, Conference Center

1 00 p m — **CITY ZONING BOARD OF ADJUSTMENT** Hal Marshall Bldg , 700 N Tryon St

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

29, Wednesday,

9 00 a m — **CIVIL SERVICE BOARD/Hearing** - CMGC, Rooms 270 271

30, Thursday

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

These organizations will not meet in January
Advisory Energy Commission
Firemen's Retirement Board

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Ann Hammond*

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

Council Agenda

TUESDAY
~~Monday~~, January 21, 1992

5:00 p.m. - Council-Manager Dinner
Meeting Chamber Conference Room
Three-year Review of 1984, 1985 and 1986 Conditional Districts Rezoning Petitions.

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

Invocation by the Reverend Don McCollum, Harbor Baptist Church.

ITEM NO.

PUBLIC HEARINGS

McCrory
Scarborough
Close Hrng
Unan

1. (91-15) (91-24) Hearing on Petition Nos. 91-15 and 91-24 by V. C. Stone for a change in zoning from I-1 and R-9MF to I-1(CD) for approximately 36 acres located south of Old Mount Holly Road, east of Melynda Road and west of West Todd Street.

Attachment No. 1

McCrory/Reid
Close Hrng
Unan

2. (91-75) Hearing on Petition No. 91-75 by the Charlotte-Mecklenburg Planning Commission for a Text Amendment - Accessory Uses regarding vehicles.

This petition was deferred for 30 days at the December 17 Meeting.

Attachment No. 2

McCrory/Wheeler
Close Hrng
Unan

3. (92-1) Hearing on Petition No. 92-1 by the Mint Museum of Art for a Text Amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.

Attachment No. 3

4. (92-2) Hearing on Petition No. 92-2 for a Text Amendment to the City's Zoning Ordinance to permit crematory services as an accessory use to a cemetery in residential districts, subject to prescribed conditions.

McCrory/Clodfelter close Hrng unan.

Attachment No. 4

5. (92-3) Hearing on Petition No. 92-3 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from R-1.OMF to UR-2 for approximately 1.3 acres located at the intersection of East Morehead Street and McDowell Street.

McCrory/Martin close Hrng unan

Attachment No. 5

DECISIONS

6. SUB 91-1 Decision on Petition No. SUB 91-1 for a Text Amendment to the Subdivision Ordinance, Section 7.110 - Design Standards for Streets.

McCrory/Wheeler app. unan

Ord #1 3275 840 p 348

The Zoning Committee recommends that this petition be approved.

Attachment No. 6

7. (91-77) Decision on Petition No. 91-77 by the Charlotte-Mecklenburg Planning Commission for a Historic District overlay in the Dilworth Neighborhood, to expand the existing Dilworth local Historic District.

Martin/Wheeler Defer 60 days unan

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

The Zoning Committee recommends that this petition be approved.

Attachment No. 7

8. (91-78) Decision on Petition No. 91-78 by the Charlotte-Mecklenburg Planning Commission for a Historic District Overlay in the Plaza-Midwood Neighborhood, to establish the Plaza-Midwood Local Historic District.

Martin/Wheeler Defer 60 days unan

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

Scarborough/Martin Have staff advise neighborhood to get new petitions to Council within the 60 days as to who is for & who is against. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 8

Martin/Wheeler Defer 30 days Unan

9. (91-79) Decision on Petition No. 91-79 by the Charlotte-Mecklenburg Planning Commission for a change in zoning from I-2 to B-2 for a 29.3 acre site located along both sides of North Tryon Street between Sugar Creek Road and Eastway Drive.

Eleven protest petitions have been filed, but only two areas are sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

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

Attachment No. 9

Clodfelter/Martin app failed 5-4 No Dan, Lynn, Pat, Stan Put on next meeting of 1/27 6-3 No Stan, Dan, & Pat

10. (91-80) Decision on Petition No. 91-80 by the 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.

The Zoning Committee recommends that this petition be approved.

Attachment No. 10

Scarborough/Clodfelter

Martin/Wheeler Defer 30 days Unan

11. (91-81) Decision 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.

Seven protest petitions were file and two areas are sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee made the following recommendations:

1. Deny rezoning on three parcels located in the North Hills Business Park.
2. Defer the balance of the petition.

Attachment No. 11

Clodfelter/McCrory Reconsider deferment of this item - Unan Clodfelter/Martin put on 1/27 agenda ONLY THE 3 PARCELS RECOMMENDED FOR DENIAL

Res #1 B 21 p433

12. Recommend adoption of a Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Charlotte Coliseum (original) and Ovens Auditorium and the land associated therewith as a local Historic Landmark.

Res. #2 B-21 p 434

13. Recommend adoption of a resolution setting public hearings for February 17, 1992, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 92-4 through 92-13 for zoning changes.

Martin/Wheeler App #12 + #13 unan.

Addendum Clodfelter/Wheeler

R

MEMORANDUM

January 21, 1992

TO: Mayor and City Council

Henry W. Underhill Jr.

FROM: Henry W Underhill, Jr
City Attorney

SUBJECT: Request for Executive Session

This is to request that you vote to hold an executive session following the Zoning meeting so that I might confer with you regarding the Schwartz scrapyard land acquisition situation Because of Duke Power's involvement, Council Members Scarborough and McCrory should be excused from participation in this executive session The appropriate motion is set forth below

EXECUTIVE SESSION MOTION

I move that the City Council hold an executive session upon the conclusion of this meeting for the purpose of conferring with the City Attorney about the Schwartz scrapyard land acquisition as permitted by G S § 143-315 11(a)(1) and (4)

HWUjr/ef

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1992

Mayor and City Council:

RE: Petitions to be Heard in January, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Tuesday, January 21, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III (AJ)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition Nos. 91-15 and 91-24

Petitioner: V. C. Stone

Location: Approximately 36 acres located south of Old Mt. Holly Road, east of Melynda Road and west of West Todd Street.

Request: Change from I-1 and R-9MF to I-1(CD).

NOTE: Petition Nos. 91-15 and 91-24 were originally heard by Council in early 1991 and subsequently approved in part in November, 1991. The decision on the balance of the petitions was deferred to allow consideration of an I-1(CD) district and it is the remaining balance of the petitions that is the subject of this rezoning petition and staff analysis.

BACKGROUND

1. Existing Zoning. The subject property is zoned a combination of R-9MF and I-1. In November, 1991 properties to the west of Melynda Road were rezoned from R-9MF to R-9, properties to the east in Todd Park were rezoned from R-6MF to R-6, and properties to the south of the subject property were rezoned from I-1 to R-6 and I-2 to I-1. Properties to the north of Old Mt. Holly Road are zoned a combination of I-1 and I-2.

2. Existing Land Use. The subject property is currently undeveloped. The Todd Park neighborhood is located immediately to the east and is developed with single family homes and a church. Properties to the west along Melynda Road and Toddville Road are developed with single family homes and a church. Properties to the north across Old Mt. Holly Road and properties to the south are developed predominantly with industrial uses.

3. Northwest District Plan. The Northwest District Plan recommends the subject property be rezoned from R-9MF and I-1 to R-9 and R-6 in order to reinforce and stabilize the existing Todd Park neighborhood and to provide additional housing opportunities near Todd Park. The Northwest District Plan recognizes the abundance of industrial zoning and land uses in the Toddville/Melynda Road area and recognizes that the viability of nearby residential neighborhoods will diminish if a concerted effort is not made to preserve a residential mass in the area. The plan also proposes the establishment of a new road to provide for separation of residential and industrial traffic in the area of the petitioned property.

4. Site Plan. Subsequent to the original public hearing on these rezoning petitions and several deferrals by the Zoning Committee of

the Charlotte-Mecklenburg Planning Commission, the affected property owners submitted a site plan to enable consideration of an I-1(CD) zoning category. The site plan proposes rezoning from I-1 and R-9MF to I-1(CD) to allow a maximum of 466,000 square feet of uses permitted in the I-1 district. The site plan provides buffers adjoining residentially zoned property ranging in width from 20 feet along the southerly project edge to 100 feet in width along Melynda Road and most of the easterly project edge. The site plan also reserves a potential route for truck traffic through the subject property to Old Mt. Holly Road until January 1, 1994. The reservation would cease if the City has not purchased the right-of-way by that time.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 91-15	I-1 to R-9 and R-9MF to R-9	Approved	11/18/91
2. 91-24	I-1 to R-6 and R-6MF to R-6 and I-2 to I-1	Approved	11/18/91

7. Neighborhood. This petition falls within the area previously defined as the Toddville Road neighborhood.

REVIEWS

1. Plan Consistency. This petition seeks rezoning from a combination of R-9MF and I-1 to I-1(CD) in order to present to Council an alternative to the original petition to rezone the subject property to R-9 and R-6. While the Northwest District Plan recommends the property be rezoned from industrial to residential, it also recognizes that a future rezoning to I-1(CD) should be given consideration for properties east of Melynda Road near Central Transport. In addition, the proposed reservation of a potential truck route through the petitioned site (if implemented by the City) is in conformance with the goal of the Northwest District Plan to provide for separation of residential and industrial traffic on Melynda Road.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff worked with the agent for the affected property owner for several months prior to the submittal of a conditional site plan. Subsequent to the filing of the site plan, the staff advised the petitioner of several departmental comments regarding the site plan.

2. Departmental Comments. CDOT noted that the site could generate approximately 2,166 through 2,320 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 3,248 trips per day. This increase will have a significant impact on the surrounding thoroughfare system. A traffic impact study was requested by CDOT due to the impact on the thoroughfare system. CDOT also noted that the proposed limited commercial street on a 50 foot right-of-way does not meet any roadway standard in the Land Development Standards manual. The manual requires a 60 foot right-of-way for a commercial street.

ISSUES

1. Land Use. This petition proposes rezoning from a combination of industrial and residential zoning districts to conditional light industrial in an area in which publicly adopted plans promote additional residential development in proximity to the Todd Park neighborhood. The Northwest District Plan recognizes the need for promotion of the subject property for residential purposes in order to reinforce and stabilize the existing Todd Park neighborhood. The plan does indicate, however, that consideration should be given to a conditional industrial classification in this area. Therefore, in terms of land use, this petition could be viewed as consistent with plans for the area and represents a potential alternative to the originally proposed petition.

2. Site Plan. The site plan which has been submitted to enable consideration of an I-1(CD) classification proposes a 466,000 square foot office/warehouse setting and allows all uses permitted in the I-1 district. The site plan sets up a buffering system along the project edges adjoining residential zoning and provides for limited reservation of right-of-way for a potential truck route through the petitioned site to Old Mt. Holly Road in order to end truck traffic on Melynda Road. (The City would have to purchase right-of-way and construct the road).

CONCLUSION

This petition has been submitted in order to allow consideration by City Council of an I-1(CD) classification in lieu of the originally proposed R-9 and R-6 categories recommended by the Northwest District Plan. While publicly adopted plans for the area remain unchanged and envision further residential development in proximity to the Todd Park neighborhood, the site plan does allow for a potential compromise that establishes buffers around the proposed I-1(CD) area adjoining residential zoning and sets up a potential alternative truck route that should end truck traffic on Melynda Road.

*Subject to further refinement following public hearing.

Petition No 91-13 1-11-94

DEVELOPMENT DATA

SITE AREA	36 ACRES
EXISTING ZONING	I-1, R-9 MF
PROPOSED LAND USE	OFFICE WAREHOUSE
PROPOSED BUILDING AREA	466,000 S.F.
PROPOSED ZONING	I-1 (CD)

GENERAL DEVELOPMENT NOTES

1. The Development depicted on Sheet 1 represents the Development preferred by Petitioner. However, Petitioner is aware of a desire of the City of Charlotte to divert heavy truck traffic which currently uses Melynda Lane off of Melynda Lane. In order to preserve a potential route for such truck traffic, Petitioner is willing to reserve the area shown as a "Future Limited Commercial Street 50' R/W" on Scheme B until January 1, 1994. Petitioner is aware that this roadway project is not funded as of the date of the filing of this Petition. If the City of Charlotte has not, by January 1, 1994, either closed the purchase of such 50' Right-of-Way through a voluntary, consensual purchase or properly filed a Declaration of Taking and Complaint to condemn such right-of-way, or otherwise agreed with Petitioner (or Petitioner's heirs, executors, or assigns) to extend the January 1, 1994 date, then Petitioner shall be free to develop the site as shown on Sheet 1, without any further reservation of the right-of-way.

2. The allowable uses for the Site shall be all those uses permitted by right in I-1 districts, as listed and described in Section 9.1102 of the City of Charlotte Zoning Ordinance effective January 1, 1992 ("the Zoning Ordinance").

3. Buffers and Screening for the Site shall conform to the Buffers and Screening requirements of Section 12.301 et. seq. of the Zoning Ordinance, (EXCEPT AS NOTED)

4. This Site Plan is intended to depict the general locations of all structures, areas and uses. Final building footprints, parking layout, landscaping and precise entrance/exit details are subject to adjustment upon finalization of site and architectural plans.

5. Accessory features and structures normally associated with the allowed uses shall be permitted in accordance with the Zoning Ordinance, §12.401 et. seq.

6. All signage shall be developed in accordance with the Sign Regulations (Chapter 13) of the Zoning Ordinance.

7. Phasing of buildings, driveways, etc., is anticipated by the Petitioner, in a sequence to be established in the discretion of the Developer. Driveways within and near the 50' future street right-of-way which are constructed prior to January 1, 1994 will be temporary in nature until the intentions of the City are known regarding the future street.

8. The Stormwater Detention areas reflected on the Plan shall be in conformity with a drainage plan to be submitted by the Developer pursuant to Section 12.601, et. seq. of the Zoning Ordinance.

9. Parking and loading, driveways, and ingress and egress will be provided to the Site in a manner that is consistent with Section 12.201, et. seq., of the Zoning Ordinance and the Charlotte Tree Ordinance.

10. The radio tower, whose approximate location is shown on the Site Plan, will be located so as to be in conformity with the requirements of Section 12.108(7) of the Zoning Ordinance.

ADVANCED IMAGING SYSTEMS
Any Document, Anywhere Anytime - (704) 525 4392

The Following Image(s) are...

(Check one of the following)

- [x] Photocopy
- [x] Poor Quality Original
- [ ] Other_____

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No	91-15 / 91-24
Date Filed	11/8/91
Received By	[illegible]
OFFICE USE ONLY	

*NOTE: The property subject to this Application is currently subject to two Rezoning Applications previously filed by the Charlotte Mecklenburg Planning Commission, 91-15 and 91-24. This Application for a Conditional District is in response to the pending 91-15 and 91-24 rezonings which have been deferred awaiting the filing of this CD Plan.

Ownership Information

Property Owner: V.C. Stone, Trustee, J. Reid Stone & Chase M. Stone Trust

Owner's Address: Weatherstone Farm, Cascade, VA 24069

Date Property Acquired: 1957 by family, transferred to Trust 1989

Tax Parcel Number: 057-095-13

Location of Property (address or description)

Old Mount Holly Road and Melynda Road

Description of Property

Size (Sq. Ft.-Acres): 36 acres

Street Frontage (ft.): Old Mount Holly - 891.05 ft. Melynda Road - [illegible] ft.

Current Land Use: Unoccupied

Zoning Request

Existing Zoning: I-1, R9-MF

Requested Zoning: [illegible]

Purpose of Zoning Change: To accomodate a mixed use light industrial, warehouse, and office development

William P. Farthing, Jr.
2600 Charlotte Plaza, Charlotte, NC 28244

Name of Agent

Agent's Address

(704) 372-9000

Telephone Number

CMPC

V.C. Stone, Trustee

Name of Petitioner(s)

Weatherstone Farm, Cascade, VA 24[illegible]

Address of Petitioner(s)

(804) 693-[illegible]

Telephone Number

V.C. Stone, Trustee by [illegible]

Signature

Signature of Property Owner If Other Than Petitioner

PETITIONER. Charlotte-Mecklenburg Planning Commission & V. C. Stone

PETITION NOS.: 91-15 & 91-24 HEARING DATE: January 21, 1992

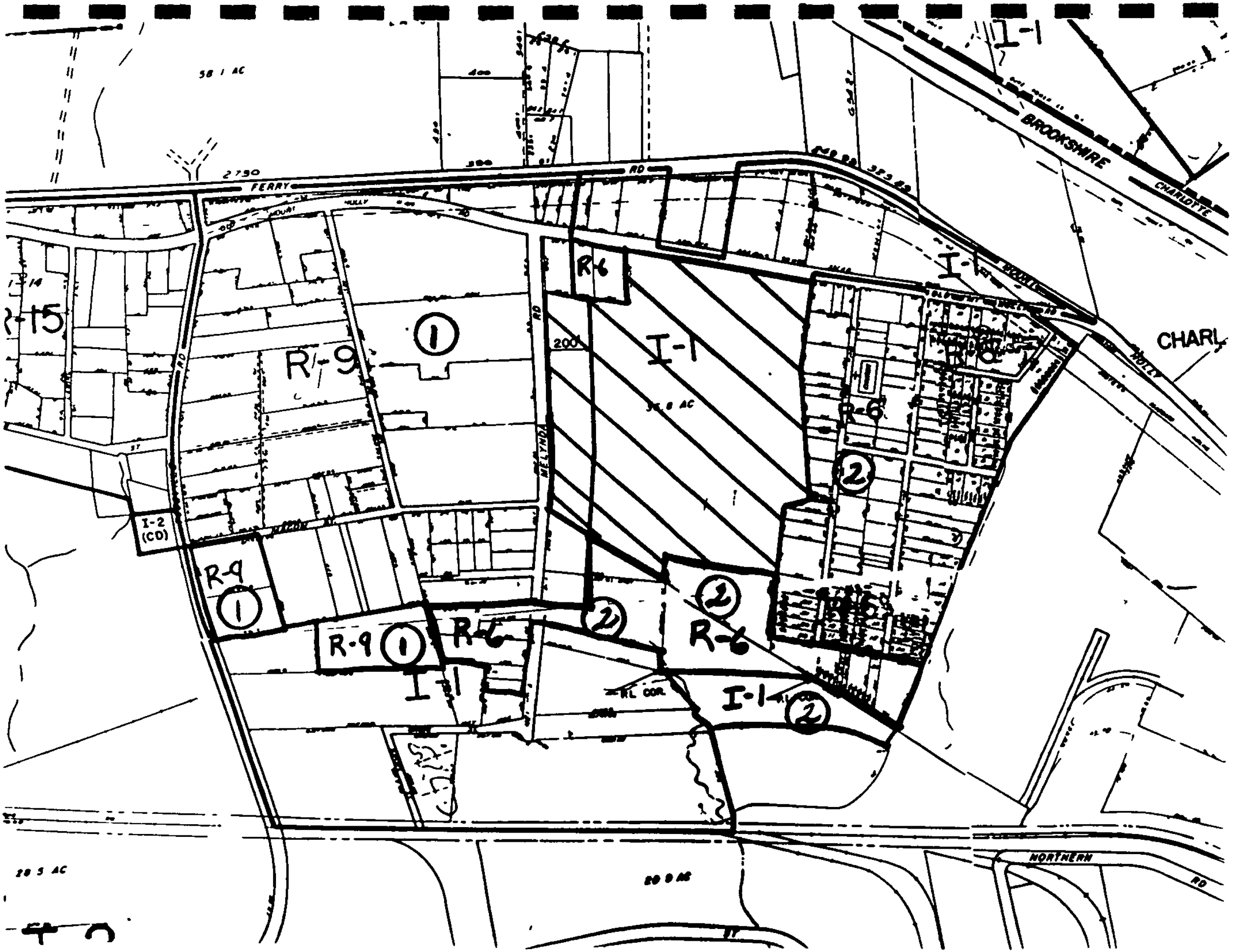
ZONING CLASSIFICATION, EXISTING: I-1 & R-9MF REQUESTED: I-1(CD)

LOCATION: Approximately 36 acres located at the southeasterly intersection of Old Mt. Holly Road and Melynda Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 67 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


FERRY
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NORTHERN
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I-2
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2790
58 1 AC
28 5 AC
20 9 AC

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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1992

Mayor and City Council:

RE: Petitions to be Heard in January, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Tuesday, January 21, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III (RJ)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-1

Petitioner: Mint Museum of Art

Request: Text amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.

BACKGROUND

A new comprehensive zoning ordinance was adopted by City Council September 23, 1991, to become effective January 1, 1992. The preceding ordinance permitted museums in residential districts under prescribed conditions which only required greater distances from any lot line to a building than those for residences.

The philosophy of the new ordinance is to require various institutional-type uses to be in the specific Institutional District separate from residential districts. This is a definitive concept that was developed and discussed during the long deliberations which resulted in the new ordinance. The stated propose in the ordinance of the Institutional District is, "to recognize and permit the creation of defined areas for the unified and orderly development of major cultural, educational, medical, governmental, religious, athletic and other institutions in order to support and enhance their benefit to the community in a manner which protects adjacent residential uses." A museum of the magnitude presented in this petition along with any planned expansion is clearly an institutional use.

CONCLUSION

While this petition is due to the interests of one particular museum, it must be realized that a text amendment is applicable to all such uses. This proposed amendment is in conflict with the intent of establishing the separate Institutional District for such uses as large government buildings and museums. Therefore, it is recommended that this petition be denied.

The denial of this request will not necessarily prohibit museums from locating in residential areas, but it will mean that they will individually have to be evaluated through a rezoning petition.

*Subject to further refinement following public hearing.

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

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-1
Date Filed November 8, 1991
Received By MCM
OFFICE USE ONLY

Section No 2.201 (Definitions); 9.203 (Uses permitted under prescribed conditio 9.204 (Permitted accessory uses and structures); Chapter 12, Part 5 (Special Requirements for Certain Uses) (Title)

Purpose of Change:

To amend the new Zoning Ordinance to provide that museums remain as a use permitted under prescribed conditions in a residential district as provided in the current Zoning Ordinance.
TEXT OF AMENDMENT ATTACHED.

A. Zachary Smith III
Name of Agent
See below
Agent's Address
331-7474
Telephone Number

Kennedy Covington Lobdell & Hickman
3300 NCNB Plaza
Charlotte, NC 28280

Mint Museum of Art
Name of Petitioner(s)
2730 Randolph Road, Charlotte,
Address of Petitioner(s)
337-2000
Telephone Number
Marc D. Oken
Signature Marc D. Oken
President Elect

Dated: October 29, 1991

Petition No. 91-1
Petitioner: Mint Museum of Art

ORDINANCE NO._____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

Section 2.201. DEFINITIONS. (page 2-24) is amended to add the following definition:

(M13) Museum.

A museum or gallery operated primarily for the display, rather than the sale of works of art.

Section 9.203. Uses permitted under prescribed conditions. (page 9-22) is amended to add the following:

(23) Museums, subject to regulations of Section 12.517.

Section 9.204. Permitted accessory uses and structures. (page 9-23) is amended to add the following:

(15) Parking lots, storage facilities, exhibit preparation facilities and similar uses as accessories to museums located on the same or contiguous lot and subject to the regulations of Section 12.517.

Chapter 12, Part 5: Special Requirements for Certain Uses (page 12-65) is amended to add a new Section 12.517 as follows:

Section 12.517. Museums in residential districts.

Museums, along with their accessory uses, are permitted in residential districts and must meet the standards of this Section and all other requirements of these regulations:

(1) Maximum floor area ratio is .50.

(2) Minimum lot area is 15,000 square feet.

(3) Minimum lot width is 80 feet.

(4) Minimum setback is 40 feet.

(5) Minimum side yard is 30 feet.

(6) Minimum rear yard is 30 feet.

(7) Maximum height is 40 feet.

(8) Minimum open space is 60%.

(9) Off-street parking is 1 space per 250 square feet.

(10) The principal building and accessory uses must be on a contiguous site.

(11) Offices associated with the activities or business of the museum will occupy no more than 25 percent of the total floor area of buildings on the lot.

(12) All buildings and off-street parking and service areas will be separated by a Class C buffer which abut property located in a residential district or abutting residential use.

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

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

(15) Office and non-office accessory uses which are permitted in residential districts under these provisions shall meet the following requirements in addition to any other applicable requirements of this ordinance:

(a) No merchandise or merchandise display window shall be visible from outside the building;

(b) All parking shall be screened in accordance with Section 12.303; and

(c) Accessory uses must not violate the yards, separation or buffer requirements which apply to the principal structure(s).

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 ____.

_____
Pat Sharkey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1992

Mayor and City Council:

RE: Petitions to be Heard in January, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Tuesday, January 21, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III (AJ)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-2

Petitioner: Sharon Memorial Park and Mausoleum, Inc.

Request: Text amendment to the City's Zoning Ordinance to permit crematory services as an accessory use to a cemetery in residential districts, subject to prescribed conditions.

BACKGROUND

Cemeteries are permitted in all residential districts subject to prescribed conditions. The Zoning Administrator has interpreted that since crematories are specifically listed in other zoning districts, they are not permitted as accessory uses to a cemetery in residential districts.

This proposed text amendment would specifically state that a crematory would be permitted as an accessory use within a cemetery of 100 acres or more in residential districts subject to the following prescribed conditions:

a) All applicable local, State, and federal laws and regulations shall be complied with.

b) The cremator shall be enclosed within a building meeting Building and Fire Code requirements.

c) The placement with the property in any residential district shall be 100 feet or more from any exterior property line.

In addition to these conditions, there is recent State of North Carolina legislative enactment (effective January 1, 1991) of the Crematory Act (Article 13C, G.S. 90-210.40) which provides for licensing, inspection and regulation of crematory operations. The crematory facilities will also be required to obtain a permit from the Mecklenburg County Department of Environmental Protection.

CONCLUSION

This amendment provides adequate requirements for the establishment of crematories as accessory uses to cemeteries in residential districts. Therefore, it is recommended that this text amendment be approved.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-2

Date Filed November 8, 1991

Received By [illegible]

OFFICE USE ONLY

Section No. 12.508 Cemeteries, public and private

(Title)

Purpose of Change:

To permit the service of cremation to be offered as an accessory use of land which has as its principal use a cemetery - under prescribed conditions. Recent State Of North Carolina legislative enactment (Effective Date January 1, 1991) of the Crematory Act (Article 13 C of GS 90-210.40) provides for licensing, inspection, and regulat of crematory operators under A Board and N.C. Authority. The legislation provides that "A crematory may be constructed on or adjacent to any cemetary,".....(§90-210.43 (b))

This service can be offered using modern efficient appliances which are designed and operate to avoid any negative impact on the community, neighborhood, or environment.

S. Neal Broome, P. E.

Broome Assoc. Engineers & Surveyors, P.A.

Name of Agent

1361 East Morehead St. Charlotte, 28204

Agent's Address

704 375 6148

Telephone Number

Sharon Memorial Park & Mausoleum

Name of Petitioner(s)

P. O. Box 220346 Charlotte , NC 2

Address of Petitioner(s)

704 537 5011

Telephone Number

[illegible]

Signature

ORDINANCE NO._____ AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE - ZONING ORDINANCE

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

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

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

1. Amend Section 12.508 by
Adding sub paragraph (3) to read as follows:

(3) Crematory services may be provided for human corpses as an accessory use within cemetery use property of 100 acres or more in residential districts subject to the following prescribed conditions;

a) All applicable local, State, and federal laws and regulations shall be complied with.

b) The cremator shall be enclosed within a building meeting Building and Fire Code requirements.

c) The placement of with the property in any residential district shall be 100 ft. or more from any exterior property line.

_____
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 _____.

_____
Pat Sharkey, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 6, 1992

Mayor and City Council:

RE: Petitions to be Heard in January, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Tuesday, January 21, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III (AJ)

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-3

Petitioner: Charlotte-Mecklenburg Planning Commission (New Zoning Ordinance).

Location: Approximately 1.3 acres located at the intersection of East Morehead Street and McDowell Street.

Request: Change from R-1.0MF to UR-2.

BACKGROUND

The R-1.0MF zoning category has been deleted from the new City Zoning Ordinance, effective January 1, 1992. The conversion chart contained in the new zoning ordinance recognizes that the petitioned property zoned R-1.0MF would require rezoning to a district within the new zoning ordinance. The petitioned site is the one property in the City with R-1.0MF zoning. The property is currently developed with the Addison Apartments and was most previously used for elderly housing purposes. The closest zoning category in terms of permitted uses, densities, floor area ratio, etc. contained within the new zoning ordinance is the UR-2 category. This category would allow single family attached and multi-family dwelling units and limited nonresidential uses as part of a residential structure.

CONCLUSION

The UR-2 zoning category is the most comparable district available under the new ordinance for the subject property in terms of permitted uses, density, and floor area ratio. Therefore, the subject property should be rezoned from R-1.0MF to UR-2.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-

Date Filed November 8, 1991

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: City of Charlotte Housing Authority

Owner's Address: 1301 South Blvd. Charlotte, NC 28203

Date Property Acquired: 12/13/74 ?

Tax Parcel Number: 125-173-22

Location of Property (address or description): 831 East Morehead Street

Description of Property

Size (Sq. Ft.-Acres): 1.3 Acres

Street Frontage (ft.): 200 ft E. Morehead St + 200 ft S. McDowell St.

Current Land Use: High Rise Apartments

Zoning Request

Existing Zoning: R-1.0MF

Requested Zoning: [illegible]

Purpose of Zoning Change: The R-1.0MF zoning district is not convertible to a closely comparable zoning district in the new zoning ordinance. Therefore the R-1.0MF property must be rezoned to a suitable district under the new zoning ordinance.

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): Planning Commission

Address of Petitioner(s): 600 E. 4th Street

Telephone Number:

Signature:

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-3 HEARING DATE: January 21, 1992

ZONING CLASSIFICATION, EXISTING: R-1.0MF REQUESTED: UR-2

LOCATION: Approximately 1.3 acres located at the intersection of Morehead Street and McDowell Street.

ZONING MAP NO(s).: 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 2, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on December 19, 1991.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, January 13, 1992. This will then permit these matters to be placed on your agenda for consideration on Tuesday, January 21, 1992.

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

Respectfully submitted,

Anne J. McClure (LTS)

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

AJM:mlj

Attachments

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

DATE: December 19, 1991

PETITION NO.: SUB 91-1

PETITIONER(S): Charlotte-Mecklenburg Building Standards Department

REQUEST: Consideration of a text amendment to the Subdivision Ordinance, Section 7.110.

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

VOTE: Yeas: Baucom, Byrne, Fenning, McClure, Motley, and Spencer.

Nays: O'Brien.

REASONS

This petition proposes an amendment to the subdivision ordinance to delete the right-of-way range of 250 to 350 feet for Class I thoroughfares (expressways) and to replace that language with a standard 350 foot requirement. The proposed amendment would align the subdivision ordinance with the new zoning ordinance effective January, 1992. The original purpose of the 250 to 350 foot range was to allow for variations of the right-of-way standard by Engineering staff depending on the circumstances at hand. However, the Zoning Administrator stated in 1989 that he could not enforce that section without any specificity about the requirement. As a result, the lower standard of 250 feet was always required. The City and County Attorney agreed with that opinion and it was interpreted that the Planning Commission has the authority to determine widths for various thoroughfare classifications. As a result, in November 1989, the Planning Commission acted to establish a width of 350 feet for all Class I thoroughfares. In May 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, however, about a range being stated for expressway widths and ultimately remanded it to the Board of Adjustment to make more clear and formative 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 majority of the Zoning Committee viewed the petition as appropriate for approval.

MINORITY OPINION

The minority opinion expressed concern about the potential inequities associated with a standard requirement without respect to the specific situation at hand. The amendment does not distinguish between infill development along already built-up expressways such as Independence Boulevard and new development along the many vacant stretches of I-77 or I-85. In fact, it is this very concern that is the subject of ongoing staff discussions and research and additional text amendments to deal with that concern will likely be presented for Council's consideration in the near future.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

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

DATE: December 19, 1991

PETITION NO.: 91-77

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Expansion of the existing Dilworth Local Historic District.

LOCATION: Approximately 278.5 acres in the Dilworth neighborhood.

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

VOTE: Yeas: Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.

Nays: None.

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

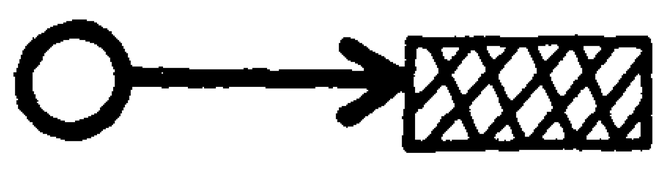
PETITION NO.: 91-77 HEARING DATE: December 17, 1991

REQUEST: To expand the existing Dilworth Local Historic District.

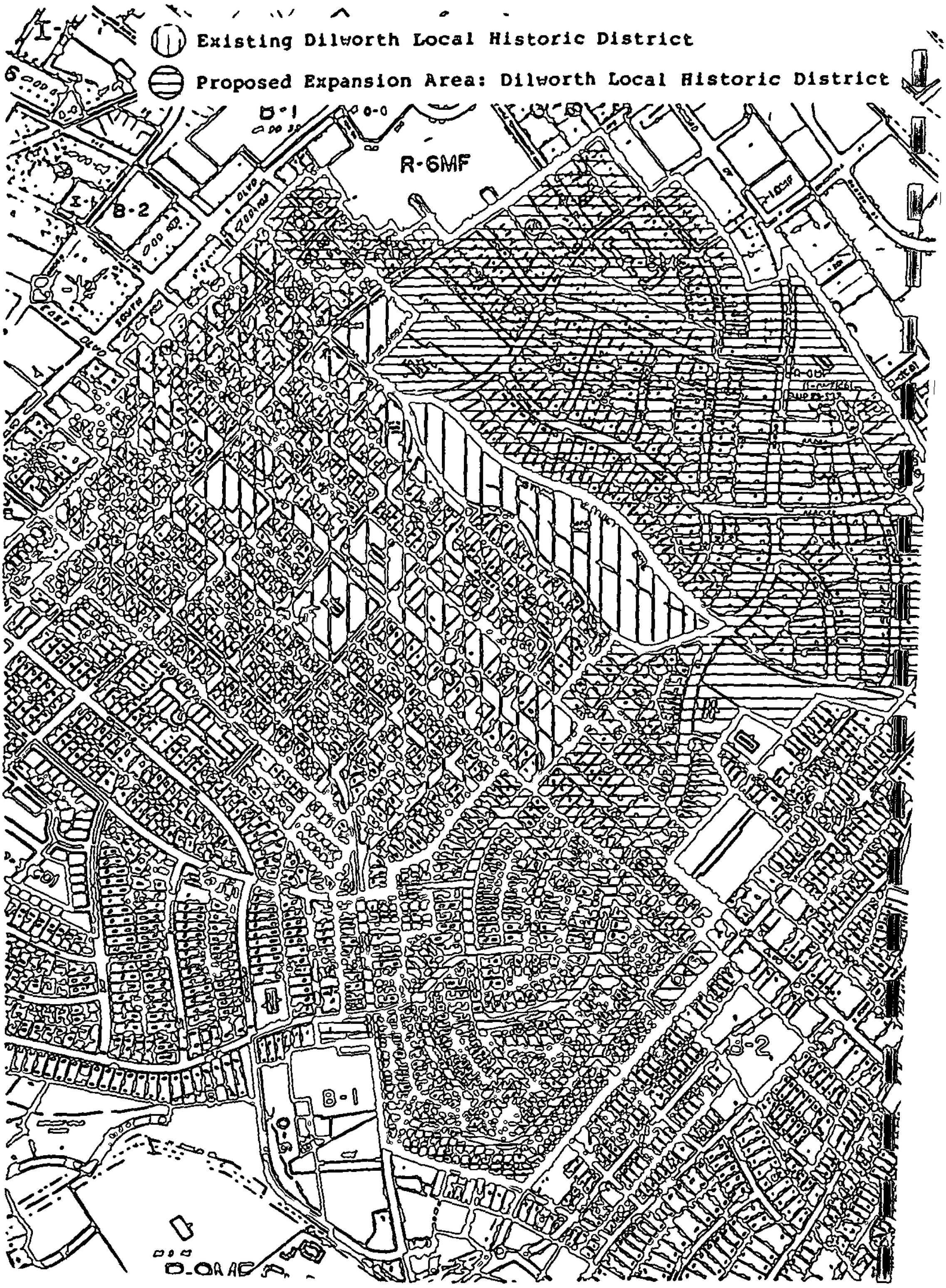
LOCATION: Dilworth Neighborhood

SEE ATTACHED MAP

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



PROPERTY PROPOSED FOR CHANGE


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

DATE: December 19, 1991

PETITION NO.: 91-78

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Establishment of the Plaza/Midwood Local Historic District.

LOCATION: Approximately 91 acres located within the Plaza/Midwood neighborhood.

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

VOTE: Yeas: Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.

Nays: None.

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

REQUEST: Establish the Historic District Overlay

LOCATION: Plaza-Midwood Neighborhood

SEE ATTACHED MAP

ZONING MAP NO(s).: 88, 89, 101, 102 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

R-6MF
R-12MF
R-6M
B-2(C)
O-15
R-9
Proposed Plaza-Midwood Local Historic District

DATE: December 19, 1991

PETITION NO.: 91-79

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (North Tryon Corridor Study)

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

LOCATION: A 29.3 acre site located along both sides of North Tryon Street between Sugar Creek Road and Eastway Drive.

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

VOTE: Yeas: Fenning, O'Brien, McClure, Motley, and Spencer.

Nays: Baucom & Byrne.

REASONS

This petition proposes rezoning from I-2 to B-2 for properties located along the North Tryon Street Corridor between Sugar Creek Road and Eastway Drive as part of the implementation of the North Tryon Corridor Study approved in July, 1987. The purpose of this rezoning is to prevent any further development of heavy industrial uses in the North Tryon Gateway Corridor and to promote the corridor as a retail/commercial gateway while not creating any nonconforming uses. At staff's suggestion, Zoning Committee deferred action on this petition for 30 days to allow time for Planning staff to do additional research related to issues which arose at the public hearing regarding nonconforming uses.

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

[redacted]

R-12MF(CD)

B-2(CD)

R-9 MF

R-9MF

R-12MF

R-15MF

B-2

B-2

B-2

B-2

B-1S.C.D.

B-1S.C.D.

I-2

R-6MF

R-6

B-2

B-1

I-2

R-9M

CONDITIONAL USE SHOPPING CENTE UNDER SECTION 23-88.1

TRYON

EASTWAY

RALEIGH

VOLCO

PROPOSED

STREET

NC

DATE: December 19, 1991

PETITION NO.: 91-80

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (North Tryon Corridor Study)

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

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.

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

VOTE: Yeas: Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.

Nays: None.

REASONS

This petition proposes rezoning from I-2 to B-2 for properties located along North Tryon Street and Eastway Drive as part of the North Tryon Corridor Study approved in July, 1987. Much of this portion of the North Tryon Corridor is developed commercially while the existing I-2 zoning category permits heavy manufacturing uses with outdoor 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. The Zoning Committee viewed the petition as appropriate for the area and, therefore, recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

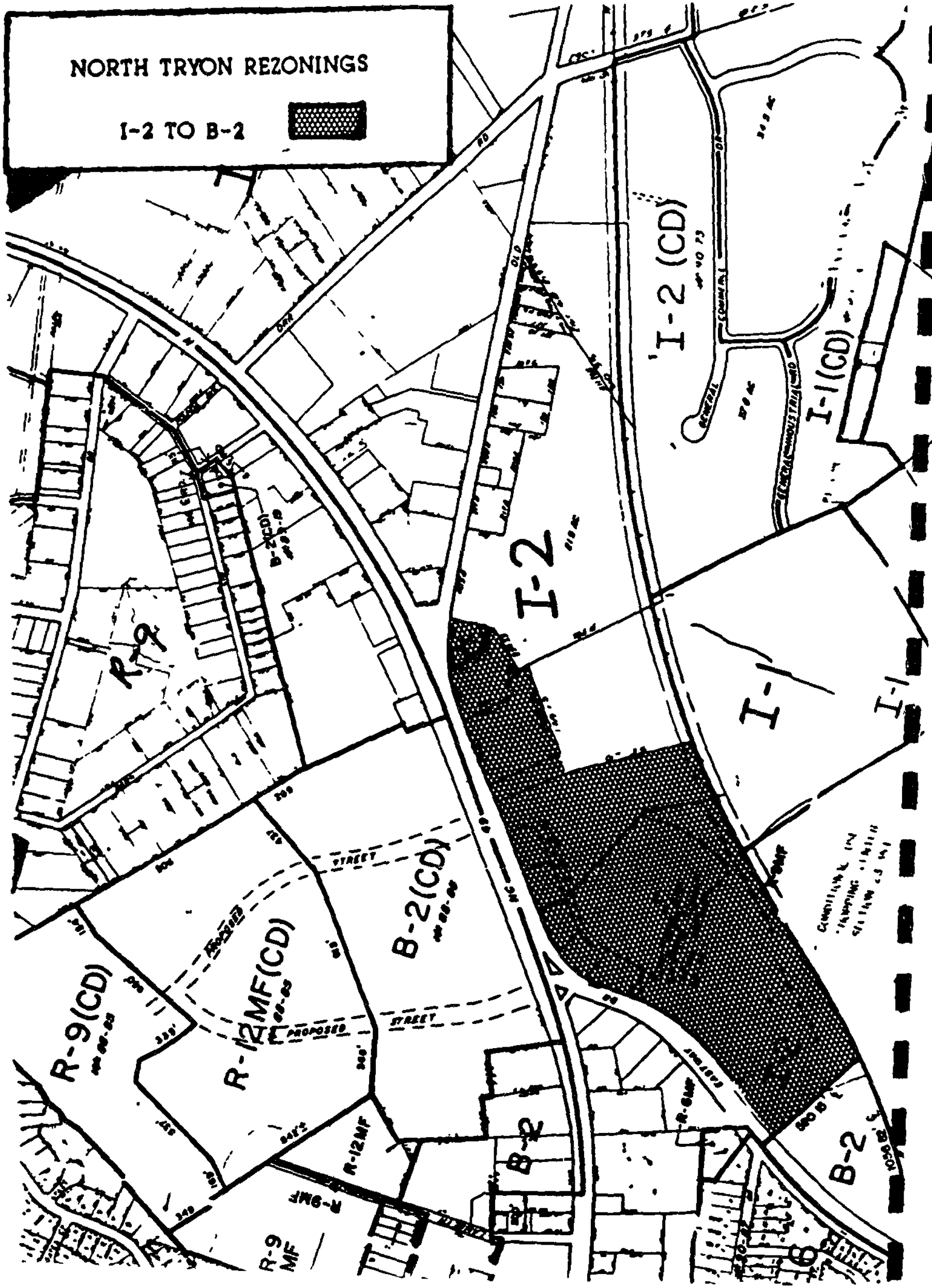
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: B-2

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
I-2 (CD)
I-1(CD)
I-2
I-1
R-9
B-2(CD)
R-12MF(CD)
R-9(CD)
R-12MF
R-9MF
B-2
B-2
STREET
PROPOSED
STREET

DATE: December 19, 1991

PETITION NO.: 91-81

PETITIONER(S): Charlotte-Mecklenburg Planning Commission (North Tryon Corridor Study)

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

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

ACTION: The Zoning Committee recommends the following actions with respect to this petition.

1. Denial of the rezoning petition on three parcels located in the North Hills Business Park.

VOTE: Yeas: Baucom, Byrne, O'Brien, McClure, and Motley.

Nays: Fenning and Spencer.

2. Deferral on the balance of the petition.

VOTE: Yeas: Fenning, Spencer, Motley, and McClure.

Nays: Baucom, O'Brien, and Byrne.

REASONS

This petition proposes rezoning from I-2 to B-2 for properties located along the east side of North Tryon Street from Old Concord Road to Arrowhead Road as part of the implementation of the North Tryon Corridor Study approved in July, 1987. The properties included within the petition are primarily developed for commercial purposes but are zoned I-2. The North Tryon Corridor Plan recommends rezoning from industrial to commercial in order to promote North Tryon as a commercial, rather than industrial, gateway while not rendering any properties nonconforming. At staff's suggestion, Zoning Committee deferred action on the majority of the petition to allow further and more intensive review with respect to nonconforming uses. However, Zoning Committee took separate action on three parcels associated with North Hills Business Park. With respect to those parcels, Zoning Committee took separate action due that site's current bankruptcy status as well as a pending sale on a portion of the subject property. In addition, it was noted by Zoning Committee that the potential purchaser of a portion of the site requires an industrial classification for wholesaling purposes and the North Hills Business Park is already subject to restrictive covenants and architectural controls lessening concerns regarding the outdoor storage and heavy industrial uses associated with the I-2 district. On the balance of the petition, Zoning Committee deferred action in order to allow additional time for staff to conduct more research with respect to nonconforming uses.

STAFF OPINION

While staff understands the sense of urgency regarding the parcels associated with North Hills Business Park due to its bankruptcy status, it should be recognized that restrictive covenants, pending purchases and future planned uses are all situations subject to change without public review.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

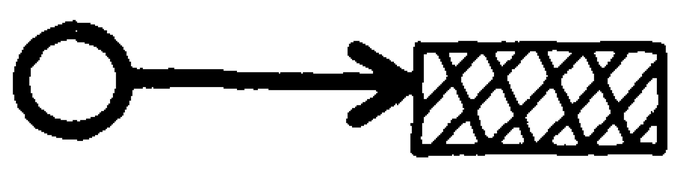
ZONING CLASSIFICATION, EXISTING: I-2 REQUESTED: B-2

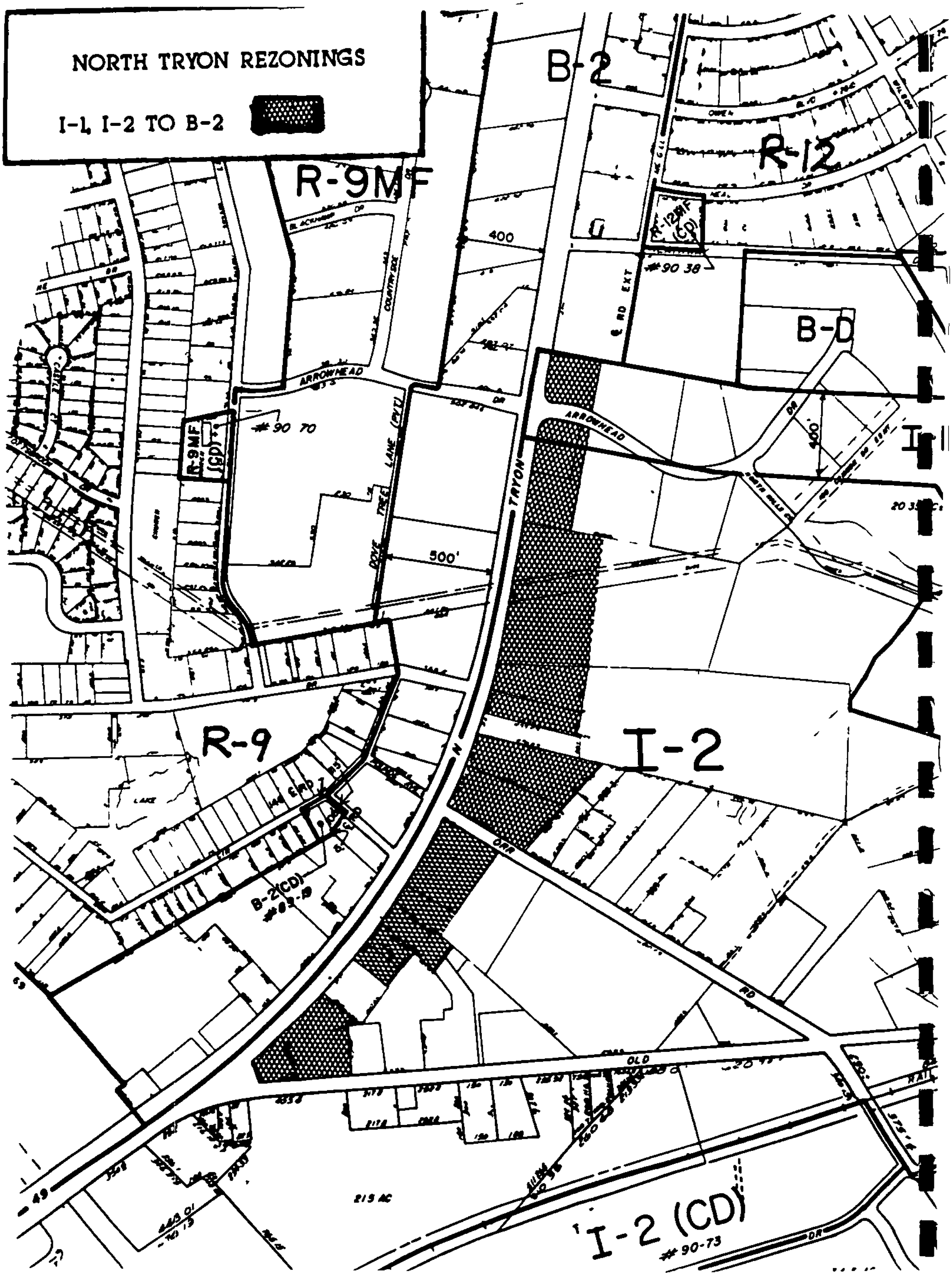
LOCATION: Approximately 36.18 acres located on the easterly side of North Tryon Street north of Old Concord Road.

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
B-D
I-2
R-9
I-2 (CD)
#90-73
B-2(CD)
#89-19
R-9MF (CD)
#90 70
R-12MF (CD)
#90 38
ARROWHEAD
TRYON
OLD
400'
500'
215 AC

1/23/92 ZONING DINNER MEETING 1/21/92

163

Mayor		✓	McClure - Chair
Campbell	✓	✓	Byrne (Jack)
Clodfelter	✓	✓	Fenning (Gloria
Hammond	✓	✓	Baker
McCrory	✓	✓	Lassiter
Majeed	✓	✓	Tabor (John)
Mangum	✓	✓	Spencer
Martin	✓		
Patterson			
Reid	✓		
Scarborough	✓		
Wheeler	✓		

5:25

Fields
Hammond
Dave Howard
Scarborough
Howard - Mixture of Office + Multi-Family
Hammond
Howard
Hammond
Fields
Clodfelter

Fields
Martin
Fields
McCrory
Fields
Reid
Fields
Reid
Fields
Reid
Fields
Reid
Martin
Fields
Reid
Fields
Clodfelter
Fields
Clodfelter
Hammond
Majed
Campbell arrived 5:40
Fields
Majed
Fields
Scarborough

McCrory
Ann McClure
McCrory
Clodfelter
Hammond
Scarborough
Clodfelter
McCrory
Hammond
Lassiter
McCrory
Mangum
Reid
McCrory
Mangum
McClure
Hammond
McCrory
Hammond
Martin
Clod
McCrory
Hammond
McClure
Hammond

Adjourned 5:55

Zoning Meeting 1/21/82

Mayor absent
Campbell ✓
Clodfelter ✓
Hammond ✓
McCrory ✓
Majed ✓
Mangum absent
Martin ✓
Patterson absent
Reid ✓
Scarborough ✓
Wheeler ✓

6:00

Hammond
Ella Scarborough
Hammond
Ann McClure
Hammond - Defer - (60 days) #7, 8 # (30) #11
Martin / Wheeler
Hammond
Scarborough / Martin - advise neighborhood
McCrory to get new petitions
Martin signed within 60 days
Hammond as to who is for & against

Scarborough
McCrory
Underhill
McCrory
Scarborough
McCrory
Scarborough
Hammond
VOTE - Unan.
Hammond
#1 91-15 + 91-24
Fields
Farthing
Hammond
Mayfield
Hammond
McCrory
Lee Easter
Martin
Fields
Easter
Martin
Fields
Scarborough
Easter

McCrory
Easter
Tabor
Easter
Majeed
Fields
Hammond
Fields
Hammond
Fields
Martin
Fields
Hammond
Farthing
Hammond
Farthing
Majeed
Farthing
Majeed
Farthing
Majeed
Audience - approxem
Scarborough - Case Hrng.
John Tabor -
Farthing

Clodfelter
Fields
Clodfelter
Fields
Clodfelter
Fields
Clodfelter
Fields
Clodfelter
Fields
McCrory - seconded motion
VOTE - Unan.
#2 Hammond
~~Neal Brown~~ Bill Diehl
Fields
Clodfelter
Fields
Clodfelter - Henry - Compare with
Junk Car Ordinance
Hammond -
Bill Diehl for Dr. Tillet
~~Dr. Tillet~~
Hammond
McCrory
Fields
McCrory

Diehl
McCrory
Fields
Diehl
McCrory
Wheeler
Clodfelter
Diehl
Clodfelter
Diehl
Clodfelter
Scarborough
Clodfelter
Hammond
~~Diehl~~ Clodfelter
Wheeler/Scar
Reid
Majed
Hammond,
McCrory / Reid - Clse Hang. - Unan.
Hammond
Scarborough - Have discussion ASAP with County

put on a joint ~~City~~ City/County Mtg.

#3 - Hammond
Fields

Zak Smith
McCrory / Wheeler Clse - Hrng. Unan.

#4 Hammond
Fields
Clodfelter - Neal Broome
Dail Howell
Martin
Broome
McCrory / Clodfelter - Clse Hrng.
Neal Broome Unan.

#5 McCrory / Martin - Clse Hrng.

Clodfelter - 9/-81 - Move #11 to next Monday instead of 30 days
Clodfelter / McCrory - Reconsider Unan.
Clodfelter / Martin
3 parcels for denial
Unan.

#6 - McCrory / Wheeler - App - Unan.

#10 Clodfelter / Wheeler - Approve
5 - 4
No - Don, Lynn, Pat, Stan

Scarborough / Clodfelter defer to next Mon 1/27
6 - 3
No Campbell, Reid, McCrory -

#12 -
Hammond
Fields

Clodfelter / Wheeler Eff. Sessions
Except McCrory + - UNAN.
Scarborough

12 + 13
Martin / Wheeler Approve - Unan.

#14 - Addendum -
Clodfelter / Wheeler - Reconsider rezonings in NE District for new annexation areas that County did not consider. Unan.

Reid / Scarborough Adjourn 7:25