AGENDA

Meeting Type:	B
Date:	07-19-1993

City of Charlotte, City Clerk's Office

Zoning

July 19, 1993

Mayor Venioot ✓
Campbell ✓
Clark Feltes ✓
Hammond ✓
Mc Carey 7:25 arrival
Majeed ✓
Morgan ✓
Martin ✓
Patterson ✓
Reid ✓
Scarborough ✓
Wheeler ✓

Zoning
Don Wheldon
Vincent James
Jack Byrne

Planning
Pat Dayton
Michael Bruno
Mahlon Adams
Tom O'Brien
Jerry Mc Mahon
Leroy Hill

6:00

Mayor
Hoyle Martin
Mayor
Tom O'Brien - introduced zoning + planning
Jack Byrne
Mayor
#3 - 93-29 - Withdrawn

Unidentified
Wheeler
Unan.
Mayor
93-94

Mayor
Mark Phillips
Mayor
Wheeler - Defer to Aug
Mgiard - Second
Closefelter
Martin
Underhill
Martin
Mayor
Wheeler
Mangum
Underhill
to Defer until Aug. 23
Unan
Closefelter
Mayor
Mangum
Mayor
Wheeler

Mayor
Chrisfelter
Motion / Reid - to reconsider
Vote
Motion / Mart - put back on agenda
Vote
Chrd / Mart move up on agenda
1- Approve Minutes
Motion / Mart except June 7 -
Vote.
93 - 44 - Back on agenda

Fields
Chrisfelter
Fields
Martin
Mayor
Mark Phillips
Jim Cook
Mayor - opposition
Mrs. Ewing
Amy Harkey
Will Miller
Mayor
Underhill
Mayor

Clodfelter
Ham / part
Lmon

Mayor # 93-27
Fields
Hugh Campbell

Mayor
Campbell
Clodfelter
Whe / part - to close
Lmon

93-38

Mayor
Joe Vandevere
Martin
Vandevere
Whe / Scar - to close
Mayor

93-39

Fields
DAN BARNOBI 7:00 pm
Mayor
DAVID Hudome
Greg Cox
Mark Kelly

Gloria Potter
Mayor
Morgum
DAN Barnobi -
Campbell
Barnobi
Campbell
Barnobi
Campbell
Barnobi
Mayor
Morgum
Barnobi
Scarborough
Martin
Scar/ whr close.
Morgum
Unan.
93- 40

Mayor
Fields
Fred Bryant
Hom / MC
Unan
7- 93- 41

Page 2 7:25pm

Mayor
Hom/ Mont
Lenor
8 - 93-42

Mayor
Fields

Mayor
Michael Shaheen -
Mang/ Whe Lenor
#9 - 93-43

Mayor
Fields
Bob Young
Mayor
Scar/ Whe
Lenor
Mayor - Decisions
Mang/ Whe # 11 93-17
- / No Lenor

#12 Mont/ Scar 93-21
Lenor

#13 Mont/ Scar - To Deny 93-23
/ Majewski - grossed
#14 - Whe / Reid 93-26
Lenor

15 - 93-28

Mary | Home
move office use only

Martin
Fields
Martin
Jim Preston
Martin
Preston
Fields
Martin
Preston
Morgan - amend motion
allow Single family - duplex
residential + office use only
with various amendments
+ correspondence
Hammond
Preston
Hammond
Preston
Reid
Underhill
Mayor
Reid
Patterson
Wolfenter
Underhill
Fields

Mayer
Underhill
Mayer
Clodfelter
Hammond
Underhill
mayer
Clodfelter
Fields
Clodfelter
Underhill
Mayer
Underhill
Hom / Morg — Motion that further review of notes & amendments is unnecessary by PLANNING
Unan.
Original motion - Morg. repeated
Underhill
Mayer
VOTE -
8 - 3 — NO - Reid - Wheeler - Clodfelter
#16 - 93-30 — Morg / Mart
Unan
17 - 93-31
Reid / Whe — to approve
Scar

Whe/ mat - Excuse Dam Unan.
Scar
Fielder
Scar

Underhill
Scar
Underhill
Scar
Hamm

Mang - Ham - Scar - NO
18 - 92 - 32 Mang/ Whe
Unan

19 Mang/ Scar 93-33
Unan

20 Mang / Mat 93-34
Unan

21 Whe / Mat 93-35
Morgan
10 U votes
1 NO Morgan

22 Mang / Whe 93-36
Unan

~~#~~ 23 Mang / Chab 93-37
HAMM Unan

24-25-26 (Resolutions) Mong/McC Unan

27 - Mayor Sept. hearings Mong/Chol put on Agenda Unanimous

Mong/Wha approve # 27

Mayor Ex Session Hamm/Mart Unan.

Linda Hill

Mayor

Mong/Wha - adjourn 8:05pm

MS

MAYOR'S SCHEDULE

July 19, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by Rev Benjamin Stewart, St Marks United Methodist Church

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

(a) Agenda Item No 5 - Hearing on Petition No 93-39

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

✓ DAN BARNOBI - 145 SCALYBARK RD. FOR

✓ 1) David Hudome, 7724 Blythwood Lane, 485-3371 - AGAINST

✓ 2) Greg Cox, 7715 Blythwood Lane, 531-2839 - AGAINST

✓ 3) Mark Kelly, 7310 Blythewood Lane, 847-4422 - AGAINST

✓ 4) Gloria Potts, 7736 Blythewood Lane, 568-5341 - AGAINST

(b) Agenda Item No 6 - Hearing on Petition No. 93-40

✓ 1) Fred Bryant, 1850 East Third Street, 333-1680 - FOR → Agenda item no. 8 Michael Shaheen 821 Baxter St. 344-1800 FOR

(c) Agenda Item No 9 - Hearing on Petition No 93-43

✓ 1) Bob Young, 301 South McDowell Street, 334-9157 - FOR

(d) Agenda Item No 10 - Hearing on Petition No 93-44 MECK. AUTISTIC GROUP HOMES

✓ (FIRST) (1) MARK PHILLIPS, 6623 PARK HICKORY DR 401 5 INDEP. BLVD 28204 374-0091 - PETITIONER

✓ 1) Jim Cook, 4822 Dogwood Place, 568-8720 - FOR

✓ 2) Mrs R Glenn Eudy, 1101 Yale Place, 523-3278 - AGAINST

✓ 3) Will Miller, 2741 Park Road, 597-7757 - AGAINST

✓ 4) Amy Harkey, 1221 Yale Place, 527-5699 - AGAINST

Speaker on 93-28
Jim Preston
Parker, Poe, Bernstein, et al
2700 Charlotte Plaza

Mark Phillips
101 S. Lake
Suite 604

The City Council of the City of Charlotte, North Carolina convened for their Zoning Meeting on Monday, July 19, 1993, at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, with Mayor Richard Vinroot presiding Councilmembers present were Stan Campbell, Dan Clodfelter, Ann Hammond, Pat McCrory, Nasif Majeed, Tom Mangum, Hoyle Martin, Cyndee Patterson, Don Reid, Ella Scarborough and Lynn Wheeler

ABSENT: None

Members of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission sat with the Council and as a separate body held their public hearings on the zoning petitions Members present were Jack Byrne, Chair, Vincent James and Don Whelchel Members of the Planning Committee present were Mahlon Adams, Michael Bruno, Pat Dayton, Leroy Hill, Jerry McMurray, and Tom O'Brien

ABSENT: Zoning Committee Members Ken Baker, Gloria Fenning, John Jones and John Tabor, Planning Committee Member Ike Heard

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INVOCATION

The invocation was given by Councilmember Hoyle Martin

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MOTION TO WITHDRAW PETITION NO. 93-29.

Mayor Vinroot explained that they have received a letter from the Petitioner withdrawing Petition No 93-29

[Motion was made by Councilmember Wheeler seconded by Councilmember Scarborough]
[and carried unanimously, to withdraw Petition No 93-29 from the agenda]

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APPROVAL OF MINUTES

[Motion was made by Councilmember Mangum, seconded by Councilmember Martin and]
[carried unanimously, to approve the minutes of April 26 Briefing, Citizens Hearing and]
[Regular Meeting, May 17 Briefing and Zoning Meeting, May 26 Manager's Budget]
[Presentation and Briefing, and June 2 Budget Workshop]

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MOTION TO MOVE ITEM NO. 10, PETITION NO. 93-44 TO BEGINNING OF AGENDA

[Motion was made by Councilmember Clodfelter, seconded by Councilmember Martin,]
[and carried unanimously, to suspend the rules and move the subject item to the front of]
[the agenda]

HEARING ON PETITION NO. 93-44 BY THE CHARLOTTE CITY COUNCIL FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE TO ESTABLISH GUIDELINES FOR THE IMPROVEMENT, EXPANSION OR REPLACEMENT OF EXISTING GROUP HOMES.

Walter Fields, Land Development Director, stated the Council gave staff instructions in June to prepare a Text Amendment to deal with a problem which had emerged in terms of potential for expansion or replacement of existing group homes When the new Zoning Ordinance was adopted in January, 1992, for the first time there were locational criteria established in the ordinance Subsequently, pursuant to a private text amendment, that locational criteria was

further enhanced and a test was added to insure that group homes were located at least 1/4 mile away from other group homes That did not take into account any existing group homes or create any special exceptions for existing group homes, but simply applied to those which existed as well as those developed in the future

Mr Fields stated the Text Amendment before Council recognizes existing group homes that were established and in place prior to the adoption of the new ordinance and the locational criteria and would essentially create a special circumstance by which they would not be non-conforming and would be allowed to expand and possibly relocate within the same general area where they presently exist so long as the locational criteria is the only item with which they do not comply This will allow an exiting group home to add a bedroom or a bedroom and a bathroom or allow them to move from one lot to another within the same area This would address the issues the Council has heard mentioned several times previously and would address the issues which the Zoning Board of Adjustment has been dealing with in terms of the spacing requirements and variances from that standard It would also address the issue about the facility located on Park and Yale Mr Fields stated this would apply to any group home established prior to January 1, 1992

Mr Fields stated the staff has drafted a text amendment which they believe addresses the issue of provisions for existing group homes lawfully established to be able to expand or relocate

Councilmember Clodfelter asked what is a site within the immediate area?

Mr Fields stated staff worked for some time with a variety of terms and concluded that in this circumstance, some judgement is going to have to be applied If they put another standard in and say as long as it is within 100 feet of the existing site they would be building the same problem Staff believes the intent of this section is clear and if a group home existing in an area and for some reason needs to relocate, it can do so within that area It does add the number of group homes which are already in the area and the spacing requirement cannot be diminished or modified in any fashion and all other standards of the ordinance still have to be met He believes some latitude has to be applied here in establishing another spacing requirement does not really get to the question of some flexibility of existing facilities

Councilmember Martin stated in the event a group home is relocated in the same area, what is expected to happen to the facility from which they are moving since it would no longer be used as a group home

Mr Fields stated the ordinance states that the expectation would be that once the group home relocates in a new facility in the immediate area, the original location would have to be closed as a group home and could no longer function for that use, but could be used for any other use that is allowed in the district in which it is located

<u>Mark Phillips, 6623 Park Hickory Drive,</u> stated he was the Executive Director of Mecklenburg Autistic Group Homes and has operated a group home at the intersection of Park Road and Yale Place since 1979 in a leased home They obtained a HUD grant to build a new group home at another location and the owner of the current property offered to donate the adjacent property as a site for the new group home The residents of the existing home would move into a newer facility where each of the residents would have their own bedroom At the present time there are five residents and four of them share rooms with other residents which does cause some problems Mr Phillips stated they were prepared to go ahead with the donated site until they learned there was another group home within 1/4 mile They went to the Board of Adjustments for variance and were turned down because of the 1/4 mile separation He said Ms Jones, the owner of the current property, came to the Council and asked for assistance and as he understands it, the Council asked the Planning Commission to see what could be done about the situation and that is how the amendment came about

Mr Phillips stated they have been trying to work with the neighborhood in the meantime to try to work out a plan that would be agreeable to everyone concerned and one that would be useful to other agencies in the future He feels they are close to an agreement, and passage of this amendment would meet the need in which they find themselves at this time

Jim Cook, 4822 Dogwood Place, stated he had been before Council a number of times in years past, primarily talking about how they should protect neighborhoods He said he served on the stakeholders group as a neighborhood representative, looking at the Zoning Ordinance He said he was real sensitive to the need to protect neighborhoods but at the same time he is President of the Board of the Mental Health Association and is on the Board of Mecklenburg Open Door, which is an organization that provides group homes for people with serious mental illness He feels the proposed change in the ordinance is a necessary step in helping people with disabilities have the opportunity to find decent places to live, but it only meets a temporary need It is only part of what needs to happen in terms of making sure that they provide for people with disabilities a decent place to live Unfortunately what is in the current ordinance is some language which makes it increasingly difficult to have group homes close together, but to have group homes at all for some groups What they have done in the ordinance is lump together group homes and a variety of other facilities serving the mentally ill, the autistic or ex-cons and it does not make a lot of difference because they are inappropriately lumped together He feels the Council should look at that and how the language is written so they are not lumping together too many different kinds of things

Mr Cook stated the distance requirement is a very serious problem Group Homes for mental retardation have been around for a very long time, but group homes for people with AIDS and a lot of other things have not been around for a long time They have only come into existence for a short time, even though there are 2 000 people on the County's case load which are serious mentally ill There are only two group homes in Charlotte for mentally ill people, and only serve 12 folks Because there are group homes scattered around throughout the City, and the County, to create new group homes for people with serious mental illness is getting almost impossible There are not sites any more, especially if you want to locate them near a bus line Mr Cook referred to his old neighborhood and said there is one group home in that neighborhood There was a proposal for a second, but the 1/4 mile rule kept out a second group home in that neighborhood The neighborhood is small with less than 50 homes and that is an appropriate use, yet on the other hand there is a group home for mentally ill people on Cedar Street, close to the cemetery, near Fifth Street and to have another group home within 1/4 mile of that, would that cause a problem The Third Ward Neighborhood Association owns the group home there and it is a cooperative venture with the neighborhood Association

Mr Cook stated they have a very bad blood instrument being used to protect neighborhoods and they need something else because this is not working right and is not what they need He said he would urge the Council to have the Planning Commission get with people who are providing group homes and with people from neighborhoods so they can work out some kind of compromise to figure out how they can meet the various needs He knows some neighborhoods would say they did not want anything, but unfortunately for them, there are some federal rules that say you cannot discriminate against people because they have disabilities He feels there is substantial evidence that if the location requirement was taken to court they would lose because the distance requirement violates the fair housing act He feels there is a greater chance that they will be tested on this because it is getting more and more difficult and increasingly hard for people to find a location for group homes He said he is not talking about putting a lot of people together, but is talking about looking carefully at this ordinance in a broader sense to see how they are dealing with group homes and residential services for people with disabilities He said this was not anticipated when the ordinance was adopted and feels it needs to be looked at

Mrs. R. Glen Eudy, 1101 Yale Place, stated her home is at 1101 Yale Place, directly across the street from the Mecklenburg Autistic Group Home She said her husband passed away two weeks ago and was a letter carrier for the U S Post Office She said she would not be standing before Council if her husband had not opposed this new home being built She finds it most ironic being before Council on this date, fighting for a Zoning Ordinance which was approved by the City Council nine months ago on the same date, October 19, 1992 She asked the Council to please let the records show that they have nothing against these young men because they are a joy walking up the street on the way to the park to get some exercise They bother no-one and they are not trying to remove either of these existing group homes and are willing for them to stay where they are, with a few objections She believes they should have on premises parking because Yale Place is a very narrow street She said she could hear them talking when she is in her bedroom in the evening if they are sitting on the back steps If they had on premises parking it would cut down on the congestion and noise on Yale Place

Ms Eudy stated the present home could be renovated and more bedrooms added to the present home to meet their needs, but if the new home is built and the present home remains it is need of repair so the Council should see how it looks The new home they plan to build around the current little homes, would be twice the size of their homes on Yale Place It has five bedrooms and none of the present homes have that and could not come close to having that Then they will leave a house that has been cut up and made into bedrooms and offices standing In her opinion that house could only be used for a boarding house

Ms Eudy stated when she found out about the proposed house in June, she called Ms Nancy Jones and Ms Jones gave her an ultimatum or fair warning Ms Eudy said Ms Jones told her if the neighbors fight her on building this new home, and it does not work out for her the way she wants it to, she will sell both her parcels of land to a developer who can put what they want to on the property and then the neighbors will be sorry Ms Eudy stated she owns the corner property across from Ms Jones and she could sell her property to an oil company and say, "all you need is a little money and an attorney to take it to court and you can get the zoning changed to suit yourself" Ms Eudy stated she was 65 years old and she does not think people sitting on the City Council is going to change these ordinances and these laws for a few people She said they had to think about them when the original ordinance was made and they should not do this whimsically

Ms Eudy stated the residents of Yale Place respectfully request, or beg the Council to hold to the present ordinance and disallow this because currently within the 1/4 mile they have two group homes, one very large low income housing, Savannah Woods, and a Salvation Army Church They have no objection to all kinds of people in groups and would like for it to stay just like it is if possible

<u>Amy Harkey, 1221 Yale Place,</u> stated she had lived at 1221 Yale Place for the past 14 years She is a registered dietitian for a Home Care Agency and is responsible for patient education for the elderly and handicapped people She said she supports group homes and is proud to have one on her street The residents of Yale Place have never complained about having a group home on their street, nor have they complained about the residents They hope the Autistic group will be allowed to repair their home and remain on the property

Ms Harkey stated the residents oppose a new building for the following reasons 1) A 2,900 square foot new facility is over twice the size of the current homes on the street and it would be out of scale with their small street of 23 homes 2) Increased traffic problems on a narrow street due to a larger facility, needing more staff and more visitation by family members She said they already have restricted parking at various times of day due to park events, Catholic High School and they also have restricted turning on their street during certain hours of the day 3) Inappropriate use of the property because of the landscape 4) Concern about increased noise related to a much larger facility 5) Looking to the future - what happens if the Autistic Society outgrows this facility and it can no longer be used as a single family home

Ms Harkey stated that changing the law to satisfy the wishes of Ms Nancy Jones violates the neighborhood's right The best solution for the Autistic Group Home is to be built in Oakdale, later to refurbish the Park Road/Yale Place site, adding on site parking and thus double the number of clients they may serve in Charlotte She said she hopes the Council will take time to read the letters from the residents before they made a decision and they would also like for the Council to visit the site to see what they are concerned about Their decision will have a dramatic impact on the preservation of intercity single family neighborhoods as well as the future control for any group homes She asked the Council to not support the new building at the proposed site

<u>Will Miller, 2741 Park Road,</u> stated he was President of Freedom Park Neighborhood Association He said the neighborhood wants to try to work this out and they are working hard to do that The problems of impact and what will happen to the current home if the new home is built are their main concern He said they met last Saturday and feel they have a better understanding of what the home is and what it could be and feel that problem could be dealt with Mr Miller stated that was one of the reasons the neighbors wanted this delayed so they could talk with some of the folks tonight

Mr Miller stated they were very sympathetic to Ms Jones plight and they want to do everything they can to help her He said they are not opposed to the group homes in the neighborhood, they have several and they get along well with them They would like for the Council to delay any action on this particular text amendment because they feel it is bad, not only for Yale Place, but also for his neighborhood and for the community He asked the Council to stop band-aiding this situation in the community and appoint some kind of task force, to try to see if they can solve this because it is only a time bomb waiting to go off He asked for time to try to solve this so they can move on to solving the larger problem

Mayor Vinroot stated the Council would not make a decision at this point, but would be getting a recommendation back from the Planning Commission

Councilmember Clodfelter stated the Council is in real trouble trying to do text amendments on an ad hoc one case at a time basis They got the 1/4 mile rule nine months ago because of a complaint in Dilworth, so they did a city-wide rule which causes a problem on Yale Place Now they have another city-wide text amendment to deal with He feels they will not get out of this without being sued and the City will lose that law suit because they are doing piece meal ad hoc decision making on a policy issue that is much bigger He hopes they will put together a task force to work on this He hopes the neighbors can work out the Yale Place situation without the Council having to adopt band aid text amendments He believes they will keep hearing text amendments if they do not look at the big picture on this issue

[Motion was made by Councilmember Hammond, seconded by Councilmember Martin,]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION NO. 93-27 BY HAROLD JOLLY FOR A CHANGE IN ZONING FROM R-4 TO R-8MF(CD) FOR APPROXIMATELY 2.2 ACRES LOCATED ON THE WEST SIDE OF OAKDALE ROAD SOUTH OF DALE AVENUE.

The scheduled public hearing was held on the subject petition

Walter Fields, Land Development Manager, stated this petition deals with a parcel on the northwest side of the City at the intersection of Oakdale and Dale Avenue The majority of the land in the area is zoned single family, with some multifamily zoning nearby There is a small single family structure on the lot Mr Fields showed the site plan and explained that this was a modified site plan and the petitioner has reduced the size of the building from the proposed 6,000 square feet down to 3,200 square feet There are a few details which need to be worked out and his staff will process those as the process goes along The key point is that they have reduced the size by about 50% This is a rezoning from a single family classification to a multifamily classification for a fraternal organization

Hugh Campbell, stated he was speaking in favor of this petition The property is owned by the Woodman of the World, which is a Fraternal Organization which does a number of good works, including giving flags to schools The Woodman of the World gave their property to Oakdale Elementary School to build a school They have been without property of their own for a number of years and this property was owned by the Extension Homemakers, who gave the property to the Woodman in order to allow them to build a nice building which would be available to the Woodman of the World as well as the Extension Homemakers He does not know of anyone who is opposed to this building being built

Councilmember Martin stated the Woodman of the World is a good organization of good people

Mr Campbell stated there had been some concern that there might be parties held at this facility, but this is not that kind of organization and he appreciates Mr Martin's statement

Councilmember Clodfelter state both the Planning staff and Transportation staff say they will not be allowed to have driveway access onto Dale Avenue and the driveway needs to be on

Oakdale Road He asked if that had been resolved?

Mr Fields stated the revised plan shows the driveway on Oakdale Road so that issue has been resolved However, staff still wants to make sure the separations from the corner, etc are dealt with

[Motion was made by Councilmember Wheeler, seconded by Councilmember Martin, and]
[carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning committee

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HEARING ON PETITION NO. 93-38 BY J. C. AND DIANNE VANDEVERE FOR A CHANGE IN ZONING FROM I-2 TO UMUD FOR A 2.45 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF EAST MOREHEAD STREET AND VANDEVERE PLACE (FORMERLY SOUTH COLLEGE STREET).

The scheduled public hearing was held on the subject petition

Joe Vandevere, stated when the rules were changed with regard to what can be used for the I 2 zoning, in effect it changed the zoning This property is basically being used for retail, office type use under the I-2 zoning since the mid 40 s

[motion was made by Councilmember Wheeler seconded by Councilmember Scarborough]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION NO. 93-39 BY JOHN CROSLAND COMPANY FOR A CHANGE IN ZONING FROM R-9MF(CD) TO R-6 FOR A 19.46 ACRE SITE LOCATED ON THE EASTERLY SIDE OF IDLEWILD ROAD EAST OF ELWOOD DRIVE.

The scheduled public hearing was held on the subject petition

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

Walter Fields, Land Development Manager, stated this property is located at what is currently known as Harris Boulevard and Idlewild Road North Harris Boulevard is a major thoroughfare connecting the east side of the City Along both sides of Harris Boulevard and Idlewild Road is a pattern of multifamily zoning which has been there for a number of years There is also single family zoning in the area There is some office and business zoning near the intersection of Harris Boulevard and Albemarle Road

The land use map indicates the land is undeveloped, completely surrounded by properties developed for single family purposes Nearby are existing multifamily developments on both sides of Harris Boulevard There is a recreation center and a small park with some medical offices near Albemarle Road

The petition is to eliminate a conditional multifamily plan established some years ago and rezone the property back to a single family classification of R-6 This was part of a single development at one point in time with R-9MF(CD) and R-9(CD) and this new development is a conditional plan What is proposed now does not affect the conditional zoning that exists on the R-9(CD) If they were converting that to today's standard it would be R-4 The proposal is to convert it to the new R-6 under the new ordinance

Dan Barnobi, 145 Scaleybark Road, stated he was the Divisional President of South Charlotte Division of John Crosland Homes The current zoning obtained in 1985 of R-9MF(CD) allows 252 multifamily units on this 19 46 acres The current petition request is to downzone to R-6 which would allow 6 single family residential units per acre for a maximum of 116 units on the property The current schematic plan allows for 80 units, although he believes this will be increased to about 90 to 100 units Assuming there is 100 units, this rezoning will reduce density by 152 units which is a 40% reduction from the existing zoning

Mr Barnobi stated John Crosland Company is a subsidiary of Syntax Real Estate Corporation out of Dallas, Texas which acquired the home building operations of John Crosland Company in October, 1987 He feels it is important to identify this company because the old John Crosland Company was involved in multifamily construction, but the current Crosland Company or Syntax is not a multifamily builder This property has been held by Syntax for almost six years and they have looked at numerous alternatives for the economic use of the property One alternative might be the sale of the property to a multifamily builder The second alternative might be to hold the property and of course the third is to develop it into single family homes The multifamily market has been slow in recent years, but the current vacancy rate may indicate that there has been some improvement in this area

Mr Barnobi stated they have selected to go with the third alternative, the development and sale of single family residential units The reasons for this is because they feel this is a logical and appropriate use of the property It represents life style compatible to surrounding properties The current market conditions dictate single family homes and with interest rates the lowest in a number of year, it certainly makes homes more affordable

There have been concerns raised over this downzoning request, but he feels this request is reasonable and appropriate The use of the property fits the area, the zoning will assure it usage as a single family community No assurances for control can be given at this point that future multifamily usage, other than the 252 units in a 40 foot buffer A single entrance to the community will be proposed off of Idlewild Road North and they will have restrictive covenants to protect and maintain the community they will be developing He said he had numerous discussions with representatives from the Cheverton Homeowners Association, who have indicated their desire to maintain the 40 foot buffer specified under the existing zoning He feels this request is unreasonable and unpractical because buffers are typically used to screen unlike land uses and this is not an unlike use From a marketing standpoint it is difficult and inappropriate to market and sell single family detached homes in lots restricting the use of the 40 foot rear yard

He said the property is fully wooded and they will make every effort to save the trees where possible along the rear property line This will be feasible because all underground utilities will be installed on or near the front of each lot The John Crosland Company is committed to the community and the neighborhoods around this community He urged the Council to approve this petition

David Hudome, 7724 Blythwood Lane, stated he was there representing the Cheverton Homeowners Association which is adjacent to the property proposed for rezoning He said he had collected petitions signed by 100% of the Cheverton Homeowners Mr Hudome stated he received the subject zoning request on Friday, June 25 which is 12 business days prior to July 13, the due date for protest petition filing In an effort to get this matter worked out before the Council meeting, they invited Mr Barnobi to meet with them twice and both times he declined to meet with them, stating prior commitments

Greg Cox, 7715 Blythwood Lane, stated as a Board Member of the Cheverton Homeowners Association, they realize that development is inevitable and they support rezoning to reduce the current multifamily density, however, this must be done in a way that will maintain the privacy and integrity of Cheverton Subdivision Developed by Crosland/Syntax, they are an isolated 147 home cul-de-sac community with a single entrance The homes range from 1,600 to 2,300 square feet and are valued up to $125,000 This new development will be half the home size and half the average lot size in their neighborhood He feels the following conditions should be made a legal conditional attachment to the downzoning of the property adjacent to the Cheverton Subdivision 1) A 40 foot natural existing buffer between Cheverton and this undeveloped land

was a condition of the existing zoning and a continuously sold feature by Crosland for perspective Cheverton buyers from the first road cut, 7 years ago until the completion of the neighborhood in 1992 They expect this same buffer to be a condition of the new zoning The buffer along the western end of this property has a adequate quantity of 30 foot hardwood trees and other vegetation to protect them The southern end of the property, which is a large stump dump, created by Crosland, with debris from the development of Cheverton exists as a weed field which was never planted with trees This area will need new trees planted to provide an adequate buffer This should be a natural untouched buffer with all existing vegetation and trees left as they exist now except for specified new plantings 2) The property in question is covered with a large quantity of hardwoods Tree management should be more than the massive strip clearing plan with small replacement trees He said they appreciate Crosland's intent to save as many as possible, but would like to have something in writing to guarantee that 3) Height of new construction should be limited so it will not be visible above the specified buffer from Cheverton 4) Specific action must be taken to insure that currently existing problems with water run off and drainage along the border of this property and Cheverton are not made worse in the poor situation which already exists 5) They request that zoning specify that there will never be any road connections between Cheverton and this property

Mark Kelly, 7310 Blythwood Lane, stated he and his wife were the second family to occupy a house in this neighborhood and have been there for 7 years When they were looking for their home they took many things into consideration and among the most important was the architecture of the house, the landscape and the neighborhood They were looking for privacy He said Crosland offered the best solution for convenience in a private neighborhood Their house is the biggest investment they will make They knew they did now own the woods behind this house when they bought the house, but they asked what were the plans for that property They were told it was zoned multifamily, but Crosland did not want to build multifamily, but wanted to build single family homes, but regardless of what they would do, they would leave a 40 foot buffer as is behind his house He said he had asked every adjacent property owner if they were told this and said they were They were all told that and they all believed it The second thing they asked about was the water run off There is a 40 foot drop between the property proposed for development and his property They were told they would not have any water run off problems and that would be handled by Crosland He said it has not been handled, not correctly The riprap line drainage system that currently runs between 7600 and 7700 block of Blythwood Lane has several areas of distress, particularly where there is drainage from an area of a solid waste disposal pit which they have From the 7300 to the 7400 block of Blythwood Lane, there is a consistent significant drainage from rain and the property will stay damp up to two week after a rain He said if they strip this land, there is more water coming where that came from Complete removal of the natural growth in the area is going to aggravate the problem The accelerated water flow will likely cause significant damage to the public drainage easement along the rear of Blythwood and this damage will have to be repaired and he assumes it will have to be paid for by stormwater utility That means the more damage that is done to the natural buffer, it will be an increase costs to the City taxpayers There is also the issue of the solid waste disposal pit along the property line and currently the only vegetation there is weeds He said the neighbors are concerned about soil compaction and the waste disposal if this is cleaned up and also the methionine gas build up that will occur there Their goal is to protect the integrity of the neighborhood, both environmentally and visually, as well as to make John Crosland live up to the promise they made to the residents that they would not strip the land behind the neighborhood

Mr Kelly stated that John Crosland Company advertises as not building houses, but building neighborhoods and part of building a neighborhood is being a good neighbor He said the neighbors want to work with the company to resolve this if the company will work with them

Gloria Potts, 7736 Blythwood Lane, stated she has live in the Cheverton neighborhood for two years For more than five years prior to that she lived no more than two blocks from the front entrance of the Cheverton neighborhood, but was completely unaware most of that time that the Cheverton neighborhood existed, primarily because it was so secluded That was the primary reason she bought a home and move into Cheverton

Ms Potts stated there is a long buffer of trees which forms a long side of Cheverton and this barrier defines the neighborhood and it provides their privacy buffer from activity and congestion

of Idlewild Road and Lawyers Road By defining the borders, these natural barriers have helped to give them a sense of community and neighborhood

She said the Cheverton neighbor bring welcome gifts to new neighbors and have neighborhood showers when new babies are born and are protective of each others properties In every sense of the word, their neighborhood is a true neighborhood She said she did not buy her home directly from Crosland, but neighbors assured her of the assurances they had gotten from Crosland Without question, everybody talked about the 40 foot buffer of existing trees that would be left and promised by Crosland in the event of any type of building behind those woods Many have based future plans on that promise Now it seems the developer is willing to renege on that promise They do not believe the goals of the Cheverton Homeowners and the goals of the future developer are mutually exclusive By their own admission, Crosland's representative has agreed that tree sell homes, however for them it seems simply more expedient to completely raise every existing tree, build on every possible inch of space and plant saplings that comply with the letter, but certainly not the spirit of the law This is apparently being planned with little regard for the 147 homeownerss they sold homes to a few short years ago

Ms Potts, stated they neighbors support the request to downsize the zoning from an R-9MF to a reduced density, however, they do not believe the only reasonable way to develop this property is to completely destroy the character and property values of the neighborhood They respectfully request that the promised protection of the 40 foot buffer of existing trees and shrubs remain during and after development

In rebuttal, Mr Barnobi referred to the statement by one of the speakers regarding the late notice He said the John Crosland Company did not believe they would receive this response to the petition It is a significant downzoning and he believes it is unusual to get this protest with the downzoning, so maybe he was a little laxed in the notices and he apologized for that

He said with regard to the proposed prices, they are in the process of developing a new product for this community Their proposed square footage will run from 1,100 to 1,800 square feet and the price should be in the range of $80,000 to $110,000 With regards to run off and the drainage problem, those are issues which he believes will be raised at the time they engineer the property They are still in the preliminary stage with only a site plan and knows there are requirements and the Engineering Department will review their engineering plans for the water run off He is certain that is something that will be considered at that time and will be looked at to make sure there is no drainage problems with the development which might affect the Cheverton Association

Mr Barnobi stated there are no plans to connect the property to the Cheverton and does not believe the Planning Commission would allow that, but that was never the intention of the Company With regards to strip clearing he said no matter who develops this property, whether it is a multifamily or single family developer, it is going to be strip cleared There is a 40 foot buffer in the current zoning It is a secluded community, and he does not intend to affect that as he does not want to hurt the Cheverton Community His company was involved in the construction and development of the community so he does not want to hurt the value of any of the properties his company has been involved with The last phase of the development was developed prior to 1987, therefore it has been a number of years since Crosland has done any development work in the Cheverton community as it relates to some of the issues raised

Councilmember Campbell asked Mr Barnobi if they would agree to put on the site plan that there would be no road connection, to which Mr Barnobi replied certainly, that is not an issue Mr Campbell stated the Council has been taking a real beating with regards to the storm water and drainage to the extent that a new fee has been charged to help pay for previous developers lack of appropriate handling that problem He said he would feel more comfortable if that issue was not left for the County or CMUD to determine how this will be handled Mr Campbell stated he agrees with the assessment that this land is best suited for single family He strongly disagrees that if for any reason this land were to remain multifamily that it would be striped cleared He said he would anticipate, and hopes Mr Barnobi would agree, to enter into negotiations with the neighborhood association regarding the buffer which they are concerned about, in addition to the other points brought forward Mr Campbell asked Mr Barnobi if he anticipates doing that?

Mr Barnobi stated he had met with two representatives of the Cheverton Homeowners Association and is very willing to meet with them in the future to discuss these issues He said he was confused as to the 40 foot buffer they are requesting To maintain that in a single family situation just does not make sense to him He believes with his commitment to try and save as many trees along the rear property line is a commitment in which he hopes the residents will believe, but obviously that is not the case

Mr Campbell stated they like to see things put down in writing and as he understands Mr Barnobi, he is willing to sit down and negotiate with them that the 40 feet may not be the absolute number, but that he is willing to negotiate

Mr Barnobi stated he was willing to sit down and discuss this issue with the residents

Mr Campbell said "discuss or negotiate"? Are we playing semantics here?

Mr Barnobi stated he did not want to get himself into trouble, but it is almost suggesting that by sitting down and negotiating that he has agreed to something He believes this is forcing him to sit down and engineer the property so he will understand exactly what is going to happen and how the development plan fits the site and the effect it has on the trees He said he was not at that point at this time and had thought the first part of this would be a rezoning issue and then they would develop the plan He said he would look into that and try to begin his engineering process because without that he does not know what he is going to negotiate It is not a large site and he does not have excess property with which to do that It is a very tight site and his plans are very specific, but he will be happy to sit down and negotiate, but he believes he will have to engineer the site to see what is feasible and what is not

Mr Campbell stated he did not want to speak for the Council, but believes he would find Council's interest in his trying to negotiate with the neighborhood would be very helpful Mr Campbell stated that is a good suggestion at this point as he has two months before Council will vote on this so he can probably bring some definition into this plan so the Council is not just approving or not approving something spaciously The Council will look forward to hearing a result of the negotiations with the community and coming back with a more definite plan then they have seen presented tonight

Mr Barnobi stated he did not have a plan and was under the understanding that a plan was not required in this situation, but perhaps he has made a mistake

Mayor Vinroot stated he believes the point Mr Campbell is trying to make is that the request is for a straight zoning He said the Council is receptive to CD plans when they know certain things are clear and that is one of the reasons they have approved this in the first place, it had certain conditions on it He believes what Mr Campbell is suggesting is that he does not know what the Council is going to do, but one way of resolving it is for Mr Barnobi and the people who are protesting this rezoning to sit down and see if they can work out something that will make all of them happy and not run the risk of the Council making one or the other very unhappy

Councilmember Mangum stated if this is not considered a full fledged buffer and it is going to be incorporated into the yards of each property, how deep are the lots?

Mr Barnobi stated that is the problem Right now the plan has lots which are 60 by 110 and assuming there is a 20 foot front set back and a 50 foot building pad, that leaves a 40 foot rear yard His current plan has 50% of the lots along that rear property lines and it will present a problem for him He will have to look at some plans and see what they can figure out

Councilmember Scarborough stated one of the definitions to her for being a good neighbor is to start off on a good foot with the neighborhood It is the perception of the neighborhood versus the perception of the developer The neighborhood at this point, has declared that this is not being a good neighbor She said she hopes Mr Barnobi will take the suggestion and sit down with the neighborhood and work with them on their concerns One of the concerns she heard was regarding the top of the trees as it relates to the top of the houses in the neighborhood and as they look over to this new development, they do not want to see the roof of the houses

Another concern was the stormwater run off which is a major problem Council has She said the buffer to Mr Barnobi may not mean too much, but she has heard very clearly that is a major problem for this neighborhood

Councilmember Martin stated Mr Barnobi said in his comments that the neighbors were requesting a buffer, but as he understands it, these folks have been promised a buffer and are simply asking the Crosland Group to keep their commitment on a very important issue It sounds to him this is the major concern

Mr Mangum stated the Council knows his feeling toward this particular development on some issues in the past If the Council had said no to him on some of the other things they allowed him to come through with, they might not be here now with this issue in front of them because this petition would have been brought forth properly with the right type buffer with the promises which have been committed to the community and the developer would be doing a better job As it has been, the Council has allowed every thing that has been promised the community be taken back by this particular developer and now they are again discussing the same issues

[Motion was made by Councilmember Scarborough seconded by Councilmember Wheeler]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION NO. 93-40 BY BAUCOM PRESS, INC., FOR A CHANGE IN ZONING FROM I-1, B-1 AND R-17MF TO B-2(CD) FOR A 2.25 ACRE SITE LOCATED ON THE SOUTH SIDE OF SUSAN DRIVE, EAST OF W. T HARRIS BOULEVARD.

The scheduled public hearing was held on the subject petition

Walter Fields, Land Development Manager, stated this petition is in the Hickory Grove Community There is a concentration of retail and industrial zoning in the area There is also some office and a scattering of multifamily zoning as well The property has three different zoning categories, I-1, B 1 and some R 17MF in the rear and this petition proposes to incorporate all of that into a single site plan With regards to the land use map, he pointed out the commercial uses along Harris Boulevard, multifamily along Kimberly Glen and to the north of the railroad tracks with single family to the east A portion of the property is currently occupied by a printing company and this petition proposes to consolidate the three categories of zoning into a single unified site plan, which would allow the existing building to be expanded to a total of 42,000 square feet in the future

In summary, this is a consolidation of several different zoning categories for the expansion of an existing business requiring a heavy commercial category

Fred Bryant, 1850 East Third Street, stated that Baucom Press has operated at this location since the early 1970's and there are no known problems with their operation here They have a very successful printing business employing at the present time 28 people He stated it was a little unusual to have a single ownership with three zoning districts across it The request is to consolidate the current zoning into a single category of B-2(CD) and in effect downzone the portion of the property which is currently zoned I 1 and zone it to a category that will permit the expansion of the printing operation

Mr Bryant stated the plan that has been filed would permit the needed expansion, which is in the printing portion and the office portion The advantages of this plan is that it will improve the site conditions because the parking area will have to conform with the new zoning ordinance with landscaping requirements There is significant buffers that will be maintained around the expansion area, a minimum of 36 feet

In summary, this will allow a very successful business to remain and to expand and will clear up the zoning of this site into an appropriate category He said there are no other uses that are impacted by this change He has talked to all of the adjoining property owners and know of no

objections to this The pre-hearing staff analysis was positive, indicating that this was a reasonable change There were two minor comments in the staff analysis and one of them was a matter that was over looked in the plan redraft process C-DOT has asked that they indicate where the existing street ends and to indicate that it would continue to the end of the property The other was a misinterpretation of where a short distance of fence would be placed Mr Bryant stated both of those would be addressed and taken care of He feels this is a reasonable request to allow a successful business to continue and expand in a location which has been very good for them as well as the neighborhood as a whole

[Motion was made by Councilmember Hammond, seconded by Councilmember McCrory,]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION N. 93-41 BY CITY OF CHARLOTTE ENGINEERING DEPARTMENT FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE TO AMEND THE REFERENCE TO THE CITY'S STORM WATER MANUAL TO REFLECT THE ADOPTION OF A NEW MANUAL.

The scheduled public hearing was held on the subject petition

[Motion was made by Councilmember Hammond, seconded by Councilmember Martin,]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION NO. 93-42 BY MICHAEL SHAHEEN FOR A CHANGE IN ZONING FROM B-1 TO NS (NEIGHBORHOOD SERVICES) FOR A .4 ACRE SITE LOCATED AT THE INTERSECTION OF 7TH STREET AND PECAN AVENUE.

The scheduled public hearing was held on the subject petition

Walter, Fields, Land Development Manager, stated this is an area which was before Council just last month With regards to uses there is a combination of business and office use on 7th street and general residential along both sides of Pecan Avenue and into the greenway area He pointed out the neighborhood service districts which were approved last month where some existing B-1 zoning was rezoned to the Neighborhood Service District The property involved in this petition is just across the corner from those three sites and asked for the same classification They are dealing with a use which is right on the corner and is a restaurant

The site plan shows some changes which includes some street tree plantings, the elimination of parking which presently enters directly off of 7th Street but that area would no loner be used for parking but will be used for some outdoor seating areas in the future Parking spaces in accordance with the ordinance requirements There is a total of approximately 7,000 square feet of floor area and about 900 square feet of outdoor seating area

Michael Shaheen, 821 Baxter Street, stated the history of this property dates back to 1934 When the buildings were built originally, they housed the original Stanley Drug Store and at one time the second A & P Store built in Charlotte The property has gone through a series of ownerships and is currently owned by Mr David Francis with Marsh Associates

Mr Shaheen stated they began restoration of the property last July and in the process have completely restored the building and brought it back into current code compliance The neighborhood warrants having these building preserved and they happen to fall on sites which unfortunately do not conform well with B-2 zoning patterns They have minimal setbacks because when the buildings were built these were walking neighborhoods The neighborhoods deserve to be preserved because they are one of the few communities which are still in

existence He said the restoration of the building was done jointly between Mr Francis and himself as the corporate owner of the facility that is housed there They have jointly put together a plan, have brought new business in and a new retail wine shop has moved in within the last 12 months Because it fits in the new Neighborhood Service District, they believe what they are doing completes the pattern which the Council has established

[Motion was made by Councilmember Reid, seconded by Councilmember Hammond, and]
[carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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HEARING ON PETITION NO. 93-43 BY MATTHEW A. SULLIVAN FOR A CHANGE IN ZONING FROM R-22MF TO B-2(CD) FOR APPROXIMATELY .53 ACRES LOCATED ON THE SOUTH SIDE OF DENVER AVENUE EAST OF MORRIS FIELD DRIVE.

The scheduled public hearing was held on the subject petition

Walter Fields, Land Development Manager, stated this property is located in a residentially zoned area Most is the area is zoned for multifamily, but a little single family zoning to the north The predominant land use pattern along both sides of Wilkinson Boulevard is industrial with heavy industrial to the south and light industrial to the north The area of Denver Avenue, at Morris Field, Havelock, Alleghany is a mixed residential area, predominantly single family with some duplexes and some scattered multifamily uses in the area The property involved has a single family house with a very large garage structure in the rear It sits at the end of Denver Avenue and does adjoin an industrial use which is a mini warehouse The only access to the site is along Denver Avenue, either from Alleghany, or from Morris Field and Wilkinson Boulevard

Mr Fields stated the site plan basically indicates that the garage would be used for an auto repair business with no detached signage The Zoning Board of Adjustment has essentially waived the buffer requirement on this site, but the petitioner has agreed to install a wood fence along portions of the site directly adjacent to existing residential structures The proposal is to rezone from multifamily to a B 2 classification for an auto repair facility

Bob Young, 301 South McDowell Street, stated he was there to speak on behalf of Mr Matthew Sullivan, the petitioner Mr Sullivan purchased this property a few years ago and currently resides at this location and would like to move his business to this location Mr Young stated Mr Sullivan has received support from the neighbors throughout the process which was started in the early part of this year They have had discussions with the neighbors as well as the larger neighborhood association Mr Young gave to the Council a packet of information which included letters from the Neighborhood Association as well as letters from other nearby residents who adjoin the property or are located along Denver Avenue, indicating their support of this request

Mr Young stated this is a simply site plan, fairly straight forward in that there is an existing structure on the property, which is a dwelling There is an existing garage which is located to the rear and it will not be expanded Mr Sullivan operates a auto repair and body shop and would like to move that business to this location He said there is a history of that type of use on this property as the Coffee Body Shop, now located on Wilkinson Boulevard was located on this site many years ago The neighborhood has had this type of facility and this type of use in its environment over the years without any apparent detriment to it as a neighborhood or living environment

Mr Young stated the conditions provide for no detached signage, which is important They are not trying to advertise a business here, but simply trying to locate a business there, and to do so in an environment that is not a detriment to the neighborhood Mr Young said his client has worked very hard to be a good neighbor and has secured the support of all of his neighbors in this request and there is no opposition which he is aware of They want to reestablish the use of the property which has been there in previous years

[Motion was made by Councilmember Scarborough seconded by Councilmember Wheeler]
[and carried unanimously, to close the hearing]

Council's decision was deferred pending a recommendation from the Zoning Committee

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ORDINANCE NO. 3587-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR A 2.4 ACRE SITE LOCATED ON THE EAST SIDE OF STATESVILLE ROAD NORTH OF CINDY LANE FROM R-4 TO B-2(CD).

[Motion was made by Councilmember Martin, seconded by Councilmember Wheeler, to]
[approve Petition No 93-17, by Larry D Campbell, for the above zoning change as re-]
[commended by the Zoning Committee The vote was recorded as follows]

YEAS Councilmembers Campbell, Clodfelter, McCrory, Majeed, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler
NAYS Councilmember Hammond

The ordinance is recorded in full in Ordinance Book 43, at Page 156

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ORDINANCE NO. 3588-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR TWO PARCELS TOTALING APPROXIMATELY .4 ACRES LOCATED ON THE SOUTHERLY SIDE OF I-85 EAST OF TENNESSEE AVENUE FROM R-5 TO R-17MF.

[Motion was made by Councilmember Martin, seconded by Councilmember Scarborough,]
[and carried unanimously, to approve Petition No 93 21 by John and Theodore Davidson]
[for the above zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 159

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PETITION NO. 93-23 BY FAWZY AND FATIMA BANAWAN FOR A CHANGE IN ZONING FOR A SITE NORTH OF CRAIG AVENUE, SOUTH OF NANCY DRIVE.

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

[Motion was made by Councilmember Martin, seconded by Councilmember Scarborough,]
[to deny the petition seeking to rezone a 3 31 acres site at the subject location from R-4]
[to R-8MF(CD) and R-8(CD) The vote was recorded as follows]

YEAS Councilmembers Campbell, Clodfelter, Hammond, McCrory, Mangum, Martin, Patterson, Reid, Scarborough and Wheeler
NAY Councilmember Majeed

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ORDINANCE NO. 3589 FOR A TEXT AMENDMENT TO THE CITY'S ZONING ORDINANCE TO CHANGE THE SIZE OF REQUIRED TREES

[Motion was made by Councilmember Wheeler, seconded by Councilmember Reid, and]
[carried unanimously, to approve Petition No 93-26 by Charlotte Tree Advisory]
[Commission for the subject text amendment as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 162

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ORDINANCE NO. 3590-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR .50 ACRES LOCATED ON THE NORTHWESTERLY CORNER OF THE INTERSECTION OF QUEENS ROAD AND LUTHER STREET FROM O-6(CD) TO O-2(CD).

A protest petition has been filed and is sufficient, however the protest has been removed

[Motion was made by Councilmember Mangum, seconded by Councilmember Hammond,]
[to approve Petition 93 28 by George W Pittman, for office use only as recommended]
[by the Zoning Committee]

Councilmember Martin stated he would like to hear something about the arrangements for parking before the Council takes action on this Mr Martin stated he understands from talking with some of the attorneys involved that they have the parking worked out for the few days a year when they expect to have a lot of other people, who normally would not be there

Walter Fields, Land Development Manager, stated this has been a moving target for the last three weeks He said he had received letters dated July 16 and 19 with more conditions with regards to the agreement on parking He understands there is either a written or verbal agreement with the theater across the way, but he believes the petitioner can perhaps answer this question better than he can

Mr Martin said he wanted to know the specific arrangements made with regards to parking and if they can be enforced

Jim Preston, Parker, Poe, Bernstein, stated there are two owners across the street who have major parking, one is the apartment building at 511 Queens Road who have 87 parking spaces He said they have a ten year lease for this parking which can only be canceled if the property is sold or if it is unlawful to lease the property He said the owners have title insurance indicating that it is lawful to lease the property Mr Preston stated they feel certain about that parking and if the property is sold they may have a problem, but they do not think it will be sold Mr Preston stated the Theater Charlotte property is an access property and only have about 20 parking spaces and they also have a ten year lease with them He said either side could cancel the lease on 60 days notice

Mr Martin asked if he understands correctly that the parking would only be allowed after 6 00 p m ?

Mr Preston stated the parking is for 24 day time uses and 6 evening uses each year, which is a total of 30 uses

Mr Martin asked if this was in writing and if the members of the Bar would abide by this?

Mr Preston stated the parking is available and the members will be notified of that There will be other legal places to park at certain times of the day and they may not have to park there

Mr Fields stated he needed clarification with regards to the number of times the parking could be used That is not included in the conditional notes and if it is the Council's intention for that level of detail to be part of the notes as opposed to something that is in a separate lease document, he needs some instructions on that Mr Fields stated he has copies of letters proposing additional conditions which he feels they need to decide whether or not those conditions are a part of what they are voting on

Mr Martin stated he would like to see the statements Mr Preston just made be a part of the notes He asked Mr Preston if he could respond to the letters Mr Fields just alluded to

Mr Preston stated the petitioner added some notes last Friday, one was to address a concern of Councilmember Hammond with regards to the use of the property being too broad He feels the motion on the floor, to approve for office use, would in effect pre-empt that particular note because that narrows it even further The other note was presented over the week-end had to do with alleviating the concern of the people across Luther Street who are in an eight-plex condominium situation who are concerned about some congestion in the area That note provides that there would be no parking on either side of Luther Street for the entire length of both the Pittman Property and the property of the condo, and that in front of the condo on Queens Road, there would be no parking there between 6 00 a m and 6 00 p m to protect a right turn The note that was delivered today, addresses the concern regarding parking by saying that no gathering at the property for greater than 50 people would be allowed during the day unless off street parking were provided He feels this addresses the concerns

Councilmember Mangum stated he would like to amend the motion to include single family or duplex residential which would give the option, if the property was sold at some time in the future, of going back to a residential category if the property is appropriate for that

Councilmember Hammond stated she seconded the motion and she would agree to single family, duplex residential and office Ms Hammond asked Mr Preston what his reaction would be to this amendment?

Mr Preston stated that is more restrictive, but he believes it would be acceptable with the general office plus the residential He said the medical had already been taken out and what was left in was general office, laboratories, studios for artists and the Mecklenburg County Bar

Councilmember Reid stated it seems to him they have a lot of things they have changed and he is not sure what they are voting for He asked the City Attorney if they should not have all of this consolidated before they vote on this Since they have allowed one side to change quite a few things, should they not allow the homeowners association to respond?

<u>City Attorney, Henry Underhill,</u> stated under the Council's rules they are not permitted to allow persons to speak further at a matter once it has been a public hearing, however, the Council has traditionally made a rather narrow exception to that rule by permitting Councilmembers to seek clarifications on a matter to ask questions of any of the parties involved in the hearing

Mr Reid stated a lot of people were opposed to this and wonders if they are still opposed to it

Councilmember Patterson stated she believes the neighborhood association is

Councilmember Clodfelter stated he believes the Council's rule and procedure also say that if there are amendments to the site plan or new conditions are proposed after the Zoning Committee has made a recommendation it automatically is referred back to the Zoning Committee to consider the new recommendations He said they consistently do that with others who change things after the Zoning Committee has made a recommendation

Mr Underhill stated he was about to say that, but did not get that far He said he is not sure they can make the amendments of the type that are proposed

Mr Fields stated in terms of the use list they would be approving something that is more restrictive than they have heard at the public hearing, therefore he does not see that it would do any disservice to anyone With regards to the parking, that was the central point at the public hearing In the past when they have dealt with issues, even at the decision meeting, which were focused on issues which arose at the public hearing that has not normally been the kind of thing, unless a significant change in the plan occurred which warranted a referral to the Zoning Committee for that 30 day delay period He said he would characterize these as issues which were all discussed widely at the public hearing and are of a nature which bear directly on what was discussed at the hearing and seems to be even more restrictive than what was proposed originally by the petitioner

Mayor Vinroot asked if he was saying it should not go back to the Zoning Committee, but go ahead and vote on it tonight?

Mr Fields stated that would be his belief, but the City Attorney needs to clarify that

Mr Underhill stated the ordinance says if the petitioner wishes to again amend the petition after the Planning Commission recommendation, prior to the vote by City Council, the Council shall refer the petition as amended by petitioner to the Planning Commission for additional review unless the City Council by a 3/4 vote of all members present, except those properly excused from voting, determines that the nature of the modification is such that the Planning Commission review is not necessary

Mayor Vinroot stated the Planning Commission approved this as it was and the Council is about to make it more restrictive as he hears what is suggested The implication to him is that the Planning Commission would certainly approve something that is more restrictive

Ms Hammond asked Mr Underhill if they need a 3/4 vote, to which Mr Underhill stated that is what the ordinance says

Mr Clodfelter asked Mr Fields if he was comfortable with the new conditions on off site parking? He asked if off site parking works

Mr Fields stated he feels many of these conditions are the source of things that the Planning Commission would not normally suggest and feels they go well beyond what is necessary to control the use of the site, and in fact may prove to be enforcement problems If these are the kinds of things the petitioner is willing to agree to in order to secure the blessings of the neighborhood, they have put petitions like this on a plan before, but it is not something the Planning Commission would suggest

Mr Clodfelter stated Ben Horak used to say he did not think off site conditions are enforceable and asked Mr Underhill if off site conditions are enforceable

Mr Underhill stated the City has never been forced to test Mr Horak's theory, but he has always been inclined to agree with him He said they have never tried to enforce an off site parking restriction

Mr Fields stated all of the notes dealing with parking are in excess of the ordinance requirements The site plan meets the ordinance requirements for this type for use of that size property This is all over and above that

Mr Underhill stated he believes a motion is necessary that the Council finds that further Planning Commission review is unnecessary of the proposed amendments

[Motion was made by Councilmember Hammond seconded by Councilmember Mangum,]
[that further review of notes and amendments are not necessary by the Planning]
[Commission The vote was recorded as unanimous]

[Mr Mangum repeated his amended motion that they approve this for office, single family]
[or duplex only, with the various amendments discussed]

The vote was taken on the motion, as amended, and carried as follows

YEAS	Councilmembers Campbell, Hammond, McCrory, Mangum, Martin, Patterson, and Scarborough
NAYS	Councilmembers Clodfelter, Reid and Wheeler

The ordinance is recorded in full in Ordinance Book 43, at Page 165

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mpl

ORDINANCE NO. 3591-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR A .46 ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF CHARLES AVENUE AND YADKIN AVENUE.

[Motion was made by Councilmember Mangum, seconded by Councilmember Martin, and]
[carried unanimously to approve Petition No 93 30 by Michael D Herndon for the above]
[zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 169

* * * * * * *

ORDINANCE NO. 3592-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR A .86 ACRE SITE LOCATED ON THE SOUTHERLY CORNER OF UNIVERSITY CITY BOULEVARD (HIGHWAY 49) AND MALLARD CREEK CHURCH ROAD FROM O-15(CD) TO B-1(CD).

[Motion was made by Councilmember Reid, seconded by Councilmember Wheeler, to]
[approve Petition No 93-31 by NationsBank of North Carolina for the above zoning]
[change as recommended by the Zoning Committee]

Councilmember Scarborough stated the concern regarding this is that this is going to be a book store

Walter Fields, Land Development Manager, stated the site plan says it can be a book store or any use that is allowed in the office district it is replacing Basically the rezoning is just to get to that book store

Ms Scarborough stated she is concerned that this book store is a book store for education and asked if there is a note on the plan that says they will have no adult oriented books there

Mr Fields stated there is no content restriction on the plan

Henry Underhill, City Attorney, stated he believes that would be unconstitutional anyway He further stated it is already against the law in North Carolina to offer for sale pornographic or obscene material It is not against the law in North Carolina to offer adult books or magazines having an adult theme that do not fit in the category of being either pornographic or obscene He believes he would be prohibiting a lawful use that has not been made unlawful by the state at this time They would get into all the questions of whether or not they are regulating freedom of speech

Ms Scarborough stated she was really concerned about the pornographic and things which she did not want to pop up in that area like the ones they have had on Wilkinson Boulevard

Councilmember Hammond stated this is an area of the City where they have an over supply of business and retail zoning already A great deal of it was just approved in February this year and she suggest they might consider allowing that retail absorb this kind of use She said she could not support the motion

The vote was taken on the motion and carried as follows

YEAS	Councilmembers Campbell, Clodfelter, McCrory, Majeed, Martin, Patterson, Reid and Wheeler
NAYS	Councilmembers Hammond, Mangum and Scarborough

The ordinance is recorded in full in Ordinance Book 43, at Page 172

* * * * * * *

mpl

ORDINANCE NO. 3593-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR 2.09 ACRE SITE BOUNDED BY BELHAVEN BOULEVARD AND VALLEYDALE ROAD SOUTH OF MCCLURE CIRCLE.

[Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler,]
[and carried unanimously, to approve Petition No 93 32 by McClure Real Estate and]
[Investment, for the above zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 175

* * * * * * *

ORDINANCE NO. 3594-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .57 ACRES LOCATED AT THE END OF ALLEGHANY STREET AND ADJACENT TO *FREEDOM VILLAGE SHOPPING CENTER (PUBLIC LIBRARY - WEST BRANCH).*

[Motion was made by Councilmember Mangum seconded by Councilmember Scarborough]
[and carried unanimously, to approve Petition No 93 33 by Public Library of Charlotte]
[and Mecklenburg County for the above zoning change, as recommended by the Zoning]
[Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 178

* * * * * * *

SITE PLAN AMENDMENT FOR A 34.7 ACRE SITE LOCATED ON THE NORTHERLY SIDE OF STARITA ROAD NORTH OF I-85, ZONED I-2(CD).

[Motion was made by Councilmember Mangum seconded by Councilmember Martin and]
[carried unanimously, to approve Petition No 93-34 by Mr and Mrs J Steven Neal]
[for a site plan amendment, as recommended by the Zoning Committee]

* * * * * * *

ORDINANCE NO. 3596-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 77.4 ACRES LOCATED ON THE NORTHEASTERLY CORNER OF THE INTERSECTION OF UNIVERSITY CITY BOULEVARD, (N. C. 49) AND W. T. HARRIS BOULEVARD FROM CC TO O-1(CD) AND CONSIDER A CC SITE PLAN AMENDMENT.

Councilmember Clodfelter was excused from voting at the public hearing, therefore will not vote on the decision

[Motion was made by Councilmember Wheeler, seconded by Councilmember Martin, to]
[approve Petition No 93-35 by the Foundation of the University of North Carolina at]
[Charlotte, and The Crosland Group for the above zoning changes as recommended by]
[the Zoning Committee]

Councilmember Mangum stated he did not agree with the original rezoning and knows that the argument could be that it could end up leaving more retail here, but speaking to his convictions, he will vote against the motion

The vote was taken on the motion to approve the petition and was recorded as follows

YEAS	Councilmembers Campbell, Hammond, McCrory, Majeed, Martin, Patterson, Reid, Scarborough and Wheeler
NAY	Councilmember Mangum

The ordinance is recorded in full in Ordinance Book 43, at Page 184

mpl

* * * * * * *

ORDINANCE NO. 3597 AMENDING THE CITY OF CHARLOTTE ZONING ORDINANCE TO CREATE SPECIAL PROVISIONS FOR THE PLACEMENT OF *MOBILE CLASSROOMS AT EXISTING NON-CONFORMING ELEMENTARY AND* SECONDARY SCHOOLS.

[Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler,]
[and carried unanimously, to approve Petition No 93-36 by Charlotte-Mecklenburg]
[Board of Education for the above zoning change as recommended by the Zoning]
[Committee]

Councilmember Hammond reminded the Council that they still have the issue of how to treat institutional uses in residential districts as a much larger issue than this band-aide they just did and urge those who continue to be involved in this kind of thing to try to get that work done

The ordinance is recorded in full in Ordinance Book 43, at Page 187

* * * * * * *

ORDINANCE NO. 3598-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR SEVERAL PARCELS LOCATED ALONG THE SOUTHWESTERLY SIDE OF VAN EVERY STREET *EXTENDING FROM HARRILL STREET TO PEGRAM STREET FROM I-2 TO R-5.*

[Motion was made by Councilmember Mangum, seconded by Councilmember Clodfelter,]
[and carried unanimously, to approve Petition No 93 37 by Habitat for Humanity for the]
[above zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 189

* * * * * * *

RESOLUTION CALLING FOR PUBLIC HEARING ON ZONING PETITIONS 93-55 THROUGH 93-80.

[Motion was made by Councilmember Mangum, seconded by Councilmember McCrory,]
[and carried unanimously, to set public hearing for Monday, August 30, 1993, at 6 00]
[p m in the Meeting Chamber of the Charlotte Mecklenburg Government Center, for]
[the subject zoning petitions]

The resolution is recorded in full in Resolution Book 31, at Page 217

* * * * * * *

RESOLUTION CALLING FOR PUBLIC HEARING ON ZONING PETITIONS 93-81 THROUGH 93-92.

[Motion was made by Councilmember Mangum, seconded by Councilmember McCrory,]
[and carried unanimously, to set public hearing for Thursday, September 9, 1993, at]
[6 00 p m in the Meeting Chamber of the Charlotte Mecklenburg Government Center,]
[for the subject zoning petitions]

The resolution is recorded in full in Resolution Book 31, at Page 218

* * * * * * *

mpl

RESOLUTION CALLING FOR PUBLIC HEARING ON ZONING PETITIONS 93-93 THROUGH 93-107.

[Motion was made by Councilmember Mangum, seconded by Councilmember McCrory,]
[and carried unanimously, to set public hearings for Thursday, September 16, 1993, at]
[6 00 p m in the Meeting Chamber of the Charlotte Mecklenburg Government Center,]
[for the subject zoning petitions]

The resolution is recorded in full in Resolution Book 31, at Page 219

* * * * * * *

RESOLUTION CALLING FOR PUBLIC HEARING ON ZONING PETITION NOS. 93-44 THROUGH 93-54.

[Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler,]
[and carried unanimously, to set public hearings for Monday, September 20, 1993, at]
[6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center]
[for the subject zoning petitions]

The resolution is recorded in full in Resolution Book 31, at Page 220

* * * * * * *

MOTION TO HOLD EXECUTIVE SESSION

[Motion was made by Councilmember Hammond, seconded by Councilmember Martin,]
[and carried unanimously, to hold an Executive Session immediately following this meet-]
[ing for the purpose of conferring with the City Attorney about the Schartz scrap yard]
[land acquisition, as permitted by the Open Meetings Law]

City Attorney, Henry Underhill, explained that Duke Power Company has an involvement in this transaction, therefore Councilmembers McCrory and Scarborough are excused from this meeting inasmuch as they are employed by Duke Power Company

* * * * * * *

ADJOURNMENT

[Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler,]
[and carried unanimously, to adjourn the meeting at 8 05 p m]

Nancy S Gilbert, Deputy City Clerk

Length of Meeting 2 Hours, 5 Minutes
Minutes Completed August 16, 1993

mpl

CHARLOTTE

Meetings in July '93

JULY 1 & 2

1, Thursday

9 00 a m — TRUSTEES OF TRUST, CHARLOTTE-MECKLENBURG SCHOOL BOARD CMGC, 7th Floor Conference Room

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

11 00 a m — TRUSTEES OF TRUST, CITY OF CHARLOTTE - CMGC, 7th Floor Conference Room

1 00 p m — TRUSTEES OF TRUST, COUNTY OF MECKLENBURG CMGC, 7th Floor Conference Room

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

THE WEEK OF JULY 5 - 9

5, Monday

CITY HOLIDAY All Offices Closed

6, Tuesday

8 00 a m — MAYOR'S INTERNATIONAL CABINET/International Cabinet Subcommittee - CMGC, Room 118

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

THE WEEK OF JULY 12 - 16

12, Monday

8 00 a m — MAYOR'S INTERNATIONAL CABINET - CMGC, Room 118

7 00 p m — HISTORIC LANDMARKS COMMISSION - Commission Office, 500 N Tryon St , Suite 200

13, Tuesday

8 00 a m — AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Conf Rms A & B

2 30 p m — HOUSING APPEALS BOARD - CMGC, 5th Floor Conference Room

14, Wednesday

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

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

5 00 p m — CITIZENS CABLE OVERSIGHT COMMITTEE - CMGC, 7th Floor Conference Room

15, Thursday

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

7 00 p m — CHARLOTTE TREE ADVISORY COMMITTEE - 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 JULY 19 - 23

19, Monday

2 00 p m **HOUSING AUTHORITY** - CHA Administrative Office, 1301 South Blvd

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

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

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

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

20, Tuesday

1 30 p m **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** New Convention Center Office, 2940 One First Union Center

4 30 p m **COMMUNITY RELATIONS COMMITTEE** - Little Rock AME Zion Church, 401 N McDowell Street

21, Wednesday

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

22, Thursday

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

7 45 a m **PLANNING COMMISSION/Planning Liaison Committee** - CMGC, 8th Floor Conference Room

THE WEEK OF JULY 26 - 30

26, 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)

27, Tuesday

1 00 p m **ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 N Tryon Street

28, Wednesday

7 45 a m **PRIVATE INDUSTRY COUNCIL** - CMGC, Conference Center

29, Thursday

5 00 p m **CHARLOTTE-MECKLENBURG ART COMMISSION** - Arts & Science Council, 214 N Church Street

These organizations do not have meetings scheduled in July

Insurance & Risk Management Advisory Board
Neighborhood Matching Grants Fun Review Team

WILL MILLER
FREEDOM PK HOME-
OWNERS ASSOC
564-9191

CHARLOTTE

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

Council Agenda

Monday, July 19, 1993

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

6 00 p m - ZONING HEARINGS
Meeting Chamber

Invocation by Rev Benjamin Stewart, St Marks United Methodist Church

ITEM NO.

To approve except June 7 Mang/Martin unan.

1 Recommend approval of minutes of April 26 Briefing, Citizens Hearing and Regular Meeting, May 3 Council Workshop, May 10 Briefing, Citizens Hearing and Regular Meeting, May 17 Briefing and Zoning Meeting, May 26 Manager's Budget Presentation and Briefing, June 2, Budget Workshop, June 7 Budget Workshop and Public Hearing

PUBLIC HEARINGS

2 (93-27) Hearing on Petition No. 93-27 by Harold Jolly for a change in zoning from R-4 to R-8MF(CD) for approximately 2 2 acres located on the west side of Oakdale Road south of Dale Avenue

Close Hearing Wheeler/Martin unan.

This hearing was continued from the June 21 meeting

Attachment No 2

3 (93-29) Hearing on Petition No 93-29 by Joseph M Church for a change in zoning from R-22MF to Neighborhood Services for approximately 172 acres located on the westerly side of Pecan Avenue south of 8th Street

Petitioner withdrew petition Wheeler/Scarborough unan.

This hearing was continued from the June 21 meeting.

Attachment No 3

ITEM NO.

4 (93-38) Hearing on Petition No 93-38 by J C and Dianne Vandevere for a change in zoning from I-2 to UMUD for a 2 45 acre tract located on the southwest corner of East Morehead Street and Vandevere Place (formerly South College Street)

Close Hearing w/ Scar unan.

Attachment No 4

5 (93-39) Hearing on Petition No 93-39 by John Crosland Company for a change in zoning from R-9MF(CD) to R-6 for a 19 46 acre site located on the easterly side of Idlewild Road east of Elwood Drive

Close Hearing Scar/ whe unan.

PROTEST Petition SuFFicient

Attachment No 5

6 (93-40) Hearing on Petition No 93-40 by Baucom Press, Inc for a change in zoning from I-1, B-1 and R-17MF to B-2(CD) for a 2 25 acre site located on the south side of Susan Drive, east of W T Harris Boulevard

Close Hearing Hamm/ no unan.

Attachment No 6

7 (93-41) Hearing on Petition No 93-41 by City of Charlotte Engineering Department for a Text Amendment to the Zoning Ordinance to amend the reference to the City's storm water manual to reflect the adoption of a new manual

Close Hearing Hamm/ ART unan.

Attachment No 7

8 (93-42) Hearing on Petition No 93-42 by J Michael Shaheen for a change in zoning from B-1 to NS (Neighborhood Services) for a 4 acre site located at the intersection of 7th Street and Pecan Avenue

Close Hearing Mons/ whe unan.

Attachment No 8

9 (93-43) Hearing on Petition No 93-43 by Matthew A Sullivan for a change in zoning from R-22MF to B-2(CD) for approximately 53 acres located on the south side of Denver Avenue east of Morris Field Drive

Close Hearing Scar/ whe unan.

Attachment No 9

Councilmen Chafell - invited the Group Homes Assoc & Neighborhood to work on a strategy proposal for consideration without a text amendment.

ITEM NO.

10 (93-44) Hearing on Petition No 93-44 by the Charlotte City Council for a text amendment to the Zoning Ordinance to establish guidelines for the improvement, expansion or replacement of existing group homes

Close Hearing Hammond Mart unan.

Attachment No 10

DECISIONS

11 (93-17) Decision on Petition No 93-17 by Larry D Campbell for a change in zoning from R-4 to B-2(CD) for a 2 4 acre site located on the east side of Statesville Road north of Cindy Lane

to A+ prop Mart/Wke 10-1 no - Hammond ORD # 3587-2 B. 43 P. 156

This petition was deferred for 30 days at the June 21 meeting

The Zoning Committee recommends that this petition be approved

Attachment No 11

12 (93-21) Decision on Petition No 93-21 by John and Theodora Davidson for a change in zoning from R-5 to R-17MF for 2 parcels totaling approximately 4 acres located on the southerly side of I-85 east of Tennessee Avenue

T'Approve Mart/Scar unan ORD # 2 #3587-2 B. 43 P. 159

This petition was deferred for 30 days at the June 21 meeting

The Zoning Committee recommends that this petition be approved

Attachment No 12

13 (93-23) Decision on Petition No 93-23 by Fawzy and Fatima Banawan for a change in zoning from R-4 to R-8MF(CD) and R-8(CD) for approximately 3 31 acres located on the north side of Craig Avenue, south of Nancy Drive

Vote to Deny MART | Scar 1 opposed Mayor

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

This petition was deferred for 30 days at the June 21 meeting

The Zoning Committee recommends that this petition be approved

Attachment No 13

ITEM NO.

ORD # 389 #3593 BK 162

14 (93-26) Decision on Petition No 93-26 by Charlotte Tree Advisory Commission for a text amendment to change the size of required trees in several sections of the City's Zoning Ordinance

wha/Rind Unan

This petition was deferred for 30 days at the June 21 meeting

The Zoning Committee recommends that this petition be approved

Attachment No 14

ORD # 4 #3590-Z BK 3 P-145

15 (93-28) Decision on Petition No 93-28 by George W Pittman for a change in zoning from O-6(CD) to O-2(CD) for approximately 50 acres located on the northwesterly corner of the intersection of Queens Road and Luther Street

(PROTEST Removed)

MAN9/ HAMA Move - OFFICE use only Amend - Allow single Family, duplex residential & office with variances and amendments and correspondence 8-3

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

The Zoning Committee recommends that this petition be approved

Attachment No 15

NO Paid wheeler Clodfelter

16 (93-30) Decision on Petition No 93-30 by Michael D Herndon for a change in zoning from O-2 to I-2(CD) and consideration of an I-2(CD) site plan amendment for approximately 46 acres located on the southwest corner of Charles Avenue and Yadkin Avenue

To approve Mots/Mart

The Zoning Committee recommends that this petition be approved

ORD # 5 Unan #3591-Z BK 3 P-169

Attachment No 16

17 (93-31) Decision on Petition No 93-31 by NationsBank of North Carolina for a change in zoning from O-15(CD) to B-1(CD) for approximately 86 acres located on the southerly corner of University City Boulevard (Highway 49) and Mallard Creek Church Road

To approve Rind/Whe

The Zoning Committee recommends that this petition be approved

Mot to Excuse DAV whe/MART Unan

Attachment No 17

7-3

ORD # 6-Z #3592 BK 3 P-172

NO Margum HARRIGAN SCARBOROUGH

ITEM NO.

ORD # 7 #3593 V B-43 p-175
Mangum/Carter
Unan

18 (93-32) Decision on Petition No 93-32 by McClure Real Estate and Investment, Inc for a change in zoning from R-4, B-1 and B-2 to B-1(CD) and O-1(CD) for approximately 2 09 acres bounded by Belhaven Boulevard and Valleydale Road south of McClure Circle

The Zoning Committee recommends that this petition be approved

Attachment No 18

ORD # 8 #3594-V B-43 p-178
Mangum/Scott
Unan

19 (93-33) Decision on Petition No 93-33 by Public Library of Charlotte and Mecklenburg County for a change in zoning from I-1 to B-1 for approximately 57 acres located at the end of Alleghany Street (formerly Ledwell Street) and adjacent to Freedom Village Shopping Center (Public Library - West Branch)

The Zoning Committee recommends that this petition be approved

Attachment No 19

ORD # 9 #3595 V B-43 p-181
Mangum/Martin
Unan

20 (93-34) Decision on Petition No 93-34 by Mr & Mrs J Steven Neal for consideration of an I-2(CD) site plan amendment to approximately 34 7 acres located on the northerly side of Starita Road north of I-85

The Zoning Committee recommends that this petition be approved

Attachment No 20

ORD # 10 #3596-V B-43 p-184
Wheeler/Martin
9-1
(No - Mangum)

21 (93-35) Decision on Petition No 93-35 by the Foundation of the University of North Carolina at Charlotte, Inc and The Crosland Group for a change in zoning from CC to O-1(CD) and consideration of a CC site plan amendment for approximately 77 4 acres located on the northeasterly corner of the intersection of University City Boulevard, (N C 49) and W T Harris Boulevard

The Zoning Committee recommends that this petition be approved

Attachment No 21

ITEM NO.

ORD # 11 #3597 B-43 p-187

22 (93-36) Decision on Petition No 93-36 by the Charlotte-Mecklenburg Board of Education for consideration of an amendment to the City of Charlotte Zoning Ordinance to create special provisions for the placement of mobile classrooms at existing non-conforming elementary and secondary schools

Mon-8 | Whe Unan

The Zoning Committee recommends that this petition be approved, as modified

Attachment No 22

ORDR 12 #3598 z B-43 p-189

23 (93-37) Decision on Petition No 93-37 by Habitat for Humanity for a change in zoning from I-2 to R-5 for several parcels located along the southwesterly side of Van Every Street generally extending from Harrill Street to Pegram Street

Mong | Clod Unan

The Zoning Committee recommends that this petition be approved

Attachment No 23

Res # 1 B-31 p-217

24 Resolution calling for public hearing on Monday, August 30, 1993, at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos 93-55 through 93-80 for zoning changes Mong | Nc Unan

Res # 2 B-31 p-218

25 Resolution calling for public hearing on Thursday, September 9, 1993, at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos 93-81 through 93-92 for zoning changes Mong | Nc Unan

Res # 3 B-31 p-219

26 Resolution calling for public hearing on Thursday, September 16, 1993, at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos 93-93 through 93-107 for zoning changes Mong | Nc Unan

Move to ADD item 27 to Agenda - Mong | Clod Unanimous

27 Resolution calling for public hearing on Monday Sept 20 at 6:00 pm in the Meeting Chamber of the Charlotte Mecl Gov. Ctr. on Petitions for zoning changes + a text amendment numbered 93-44 through 93-54

Res # 4 B-31 p-220

Mong | whe - Unan

MOTION for EXECUTIVE SESSION Hamm/Mart Unan

MOTION to Adjourn Mong | whe 8:05 pm

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 8, 1993

Mayor and City Council:

RE: Petitions to be Heard in June, 1993

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, June 21, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-27

Petitioner: Harold Jolly

Location. Approximately 2.2 acres located on the west side of Oakdale Road south of Dale Avenue.

Request: Change from R-4 to R-8MF(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned R-4 as are the majority of the properties to the north and south of this petition. Properties located on the east side of Oakdale Road are largely zoned R-3. A larger area to the south of the petition is zoned R-12MF(CD).

2. Existing Land Use. A portion of the subject property is occupied by a single family house. The remainder of the property is undeveloped. Properties elsewhere along Oakdale Road are developed with singe family houses and a church. A small convenience store is located at the intersection of Peachtree Road and Oakdale Road.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing residential development in the area of the subject property. The 2005 strategies include potential light rail service to this area.

   2. Northwest District Plan. The Northwest District Plan recommends single family land uses with up to four dwelling units per acre for the subject property.

   3. Transportation Improvement Program. The Transportation Improvement Program calls for the construction of the Northwest Circumferential to establish a connection between the I-85/Airport area and the Reames Road/Harris Boulevard interchange at I-77. This project ranks number 20 in the 2005 Transportation Plan. The Transportation Improvement Program also includes the Brookshire Freeway Extension Environmental Impact Statement to study the extension of Brookshire Freeway from its terminus at Belhaven Boulevard to I-85.

4. Site Plan. The site plan which accompanies this request proposes the construction of a 6,000 square foot building to house the activities of a fraternal organization. The existing single family house is to remain. An 18 foot buffer is indicated around the perimeter of the site and access to the site is indicated as the existing driveway to Dale Avenue.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 89-23(c)	R-9 to R-12MF(CD)	Approved	11/06/89

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential category to a conditional multi-family category in an area in which publicly adopted plans envision continued residential development. The Northwest District Plan specifically recommends single family residential development. Therefore, this petition is not considered consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed this petition with staff prior to filing.

   2. Departmental Comments. This petition raised a number of comments from the reviewing departments and agencies. Access to the fraternal organization is not allowed from Dale Avenue. An 18 foot Class "C" buffer is required in an area designated as a driveway to the existing single family house. The plan should note that the proposed structure would be residential in character and utilize predominantly brick construction, pitched roof, etc... The size of the building should be reduced to conform to the scale of the surrounding development. The petitioner should also consider subdividing the property to allow the new building to be placed on a separate lot from the existing home. The petitioner has not yet submitted a revised site plan.

ISSUES

1. Land Use. This petition as presented raises a land use issue in that plans for the area recommend single family development. The proposed multi-family classification can only be considered appropriate for approval based on a site plan that limits any redevelopment of the property to a scale and style consistent with the existing neighborhood.

2. Site Plan. The site plan associated with this petition raises a number of concerns. The proposed access to Dale Avenue is not permitted and the proposed 6,000 square foot structure is not appropriate in this setting. This petition could only be considered appropriate for approval based on a revised site plan

that proposes essentially a residential style structure in conformance with nearby homes with a limited amount of parking that is adequately screened.

CONCLUSION

This petition in its present form is not appropriate for approval. The proposal raises serious concerns about its relationship to surrounding properties due to the scale of the building and its incompatibility to surrounding residential land uses.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

STAFF REVIEW: TUESDAY, MAY 4 at 10:00 A.M.

Petition No. 93-26 JUNE
Date Filed April 5, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: OAKDALE HOME EXTENSION CLUB INC

Owner's Address: 1315 OAKDALE RD, CHARLOTTE, NC 28214

Date Property Acquired: MONTH OF JANUARY 1993

Tax Parcel Number: # 035-091-03 & # 035-091-09

Location of Property (address or description)

1315 OAKDALE RD CHARLOTTE, NC 28214
1321 OAKDALE RD CHARLOTTE, NC 28214

Description of Property

Size (Sq. Ft.-Acres): 2.2 ACRES Street Frontage (ft.): 250' ON OAKDALE & 250' ON DALE

Current Land Use: RESIDENTIAL

Zoning Request

Existing Zoning: R-4 Requested Zoning: R-MF(CD)

Purpose of Zoning Change: FRATERNAL ORGANIZATION — MEETING ESTABLISHMENT FOR NOODMEN OF THE WORLD

DALE REYNOLDS
Name of Agent

P.O BOX 23034 CHARLOTTE NC. 28212
Agent's Address

545-4526
Telephone Number

HAROLD JOLLY
Name of Petitioner(s)

11301 HIGHBRIGHT RD
Address of Petitioner(s)

CHARLOTTE N.C. 28078
Telephone Number

875-2735

Signature

Signature of Property Owner
If Other Than Petitioner

Petition #: 93-27

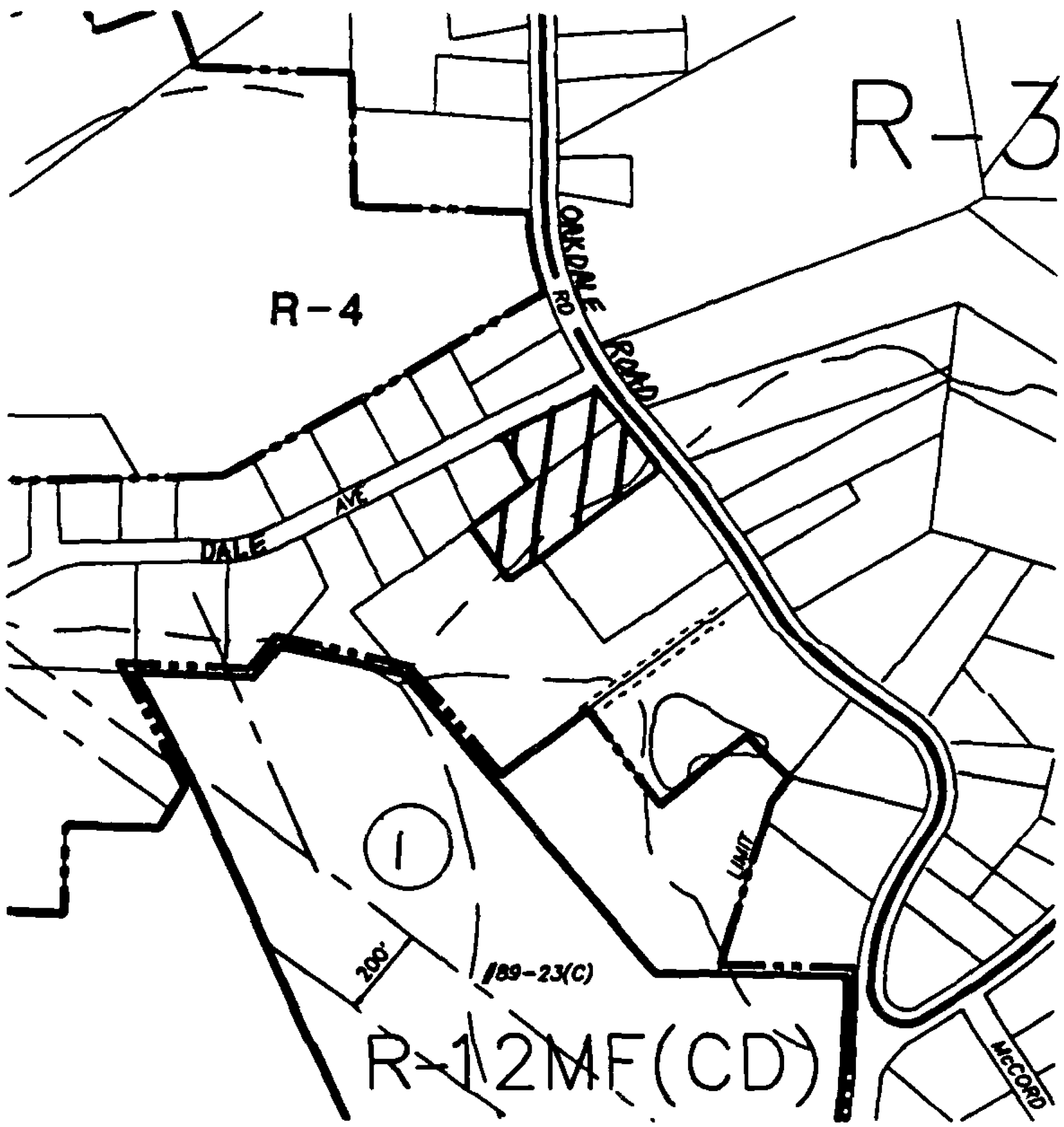
Petitioner: Harold Jolly

Hearing Date: June 21, 1993

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-8MF(CD)

Location: Approximately 2.2 acres located on the westerly side of Oakdale Road south of Dale Avenue.



Zoning Map #(s): 68

Scale: 1" = 400'

M E M O R A N D U M

DATE: May 4, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-27: Oakdale Road South of Dale Avenue

This site could generate approximately 88-96 trips per day as currently zoned. Approximate trip generation was not calculated for the proposed zoning due to insufficient data. We do not believe that this change in land use will have a significant impact on the surrounding thoroughfare system.

Oakdale Road is a minor thoroughfare requiring a minimum of 70 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement, measuring 35 feet from the centerline of the roadway.

A sidewalk is recommended along both the Oakdale Road and Dale Avenue frontages. The Oakdale Road sidewalk should be placed at approximately 34 feet from the centerline of the roadway.

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

Any proposed driveway connections to Oakdale Road will require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process.

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

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

To facilitate driveway permit review and approval the site plan must be revised to include the following:

- Show the location of all proposed driveways. Minimum width for two-way traffic is 26 feet.
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate parking areas and include typical module dimensions.
- Include a parking summary with figures for number of parking spaces required and provided.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Dale Reynolds
Harold Jolly
Rezoning File

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 8, 1993

Mayor and City Council:

RE: Petitions to be Heard in June, 1993

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, June 21, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 93-29

Petitioner: Joseph M. Church

Location: Approximately .172 acres located on the westerly side of Pecan Avenue south of 8th Street.

Request: Change from R-22MF to Neighborhood Services.

BACKGROUND

1. Existing Zoning. The subject property is zoned R-22MF as is the adjacent property immediately to the west. A nearby tract is zoned O-2. At the intersection of East 7th Street and Pecan Avenue the predominant zoning is B-1 with commercial zoning extending along the 7th Street frontage. South of the subject property across Pecan Avenue is a small R-22MF tract. Otherwise, the predominant zoning classification is R-5.

2. Existing Land Use. A single family structure on the subject property is currently being used as an office. (Inquiries have been made with Zoning Administration regarding the zoning status on this site but as yet there has been no response). In addition, there are several nonconforming uses immediately adjacent to the subject property. At the intersection of Caswell Road, Pecan Avenue, and 7th Street are Pecan Point, Stanley Drug Store, and other neighborhood commercial uses. Further to the west on Caswell Road is Presbyterian Hospital. To the east of the subject property is single family residential.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential uses in the area of the subject property. A community commercial center (7th Street, Caswell Road, Pecan Avenue) is indicated nearby. Independence Park is a major green space and park in the area. The 2005 strategies include potential light rail and the mid-town Development Enterprise Area.

   2. Elizabeth Small Area Plan. The Elizabeth Small Area Plan does not recommend any change for the subject property. However, the plan does recommend that property located with the same quadrant of 7th Street and Pecan Avenue be rezoned to Neighborhood Services. A portion of the subject property is located within the area defined for historic designation. Intersection improvements for Caswell Road, 7th Street, and Pecan Avenue (completed) and streetscape improvements along 7th Street are among transportation improvements proposed for the area.

3. Elizabeth Urban Design Plan and Transportation Study. The Elizabeth Urban Design Plan and Transportation Study also recommends the development of a neighborhood commercial center at Stanleyville.

4. Central District Plan. The Central District Plan recommends implementation of the Elizabeth Small Area plan.

4. Site Plan. The site plan which accompanies this petition proposes the rezoning of a .166 acre tract from R-22MF to NS (Neighborhood Services) district. The site plan shows an existing structure which is to remain and be used for retail and residential uses. Site data states that the first floor, 1,230 square feet, will be utilized as retail and the second floor, 1,225 square feet, will be used for residential. In addition, the site plan notes that parking will be per the ordinance with four regular spaces plus one handicapped space provided to the rear of the structure.

   The request for a neighborhood services district places the existing structure into a nonconforming situation. The building encroaches into the required 10' side yard, the proposed driveway is not in compliance with CDOT standards for offset from a property line and the driveway to the rear is within 5' of an exterior property line. The site plan notes that building and driveway variances have been applied for with zoning administration. A wooden fence is noted on the plan on all sides of the lot to meet buffer requirements for height and screening.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-84	R-6MF, O-6 to B-1	Approved	08/17/87
2. 72-20	R-9 to R-6MF	Approved	04/17/72
3. 73-20	R-6MF to O-6 (AIP)	Approved	07/16/73
4. 76-15	B-1 to B-1(CD)	Approved	03/29/76
5. 76-67	B-1(CD) to B-1(CD) Site Plan Amendment	Denied	12/20/76
6. 77-55	B-1(CD) to O-6	Approved	11/21/77
7. 83-36	B-1 to B-2(CD)	Approved	09/19/83
8. 83-52	R-6 to R-6MF(CD)	Denied	10/12/83
9. 87-28	R-6MF to R-6	Approved	05/08/87
10. 87-29	B-1 to R-6	Approved	06/22/87
11. 87-31	O-6 to R-6	Approved	08/17/87

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from multi-family to the neighborhood services district for an existing single family structure. All plans for the area recognize the existence and maintenance of residential land use on this particular tract. Publicly adopted plans for the area that call for the development of a new neighborhood mixed use district at the intersection of Pecan Avenue and East 7th Street do not envision an extension of the district down Pecan Avenue to the edge of the Elizabeth neighborhood. Therefore, this petition is not consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioners discussed this application with staff prior to filing. Staff noted its inconsistency with plans for the area.

   2. Departmental Comments. Departmental comments have been addressed on the revised site plan.

ISSUES

1. Land Use. This petition proposes a rezoning from multi-family to the NS district, in an area in which publicly adopted plans recognize continued residential uses. While the NS district is proposed for the intersection of Pecan Avenue, Caswell Road, and 7th Street, it is not intended for this type of development to extend beyond the immediate area of the intersection into the surrounding neighborhood. Therefore, this petition is not considered appropriate for approval.

2. Site Plan. The site plan which accompanies this petition proposes the use of an existing structure for a mixed residential and office use. The request for an NS zoning classification triggers the need for variances from the Board of Adjustment.

CONCLUSION

This petition is not recommended for approval.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

Date Filed April 5, 1993

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner Kenneth D Power Joseph M. Church

Owner's Address 425 Pecan Avenue

Date Property Acquired March 30, 1993

Tax Parcel Number 12703114

Location of Property (address or description) 425 Pecan Avenue Charlotte, NC 28204

Description of Property

Size (Sq. Ft.-Acres) .172 Street Frontage (ft.) 50'

Current Land Use

Zoning Request

Existing Zoning MX7 R-22MF Requested Zoning NS

Purpose of Zoning Change To use Property for Home + Custom Design Studio

N/A
Name of Agent

Agent's Address

Telephone Number

Joseph M. Church
Name of Petitioner(s)

425 Pecan Ave
Address of Petitioner(s)

Char. NC 28204
Telephone Number

704-343-4900

Signature

Signature of Property Owner
if Other Than Petitioner

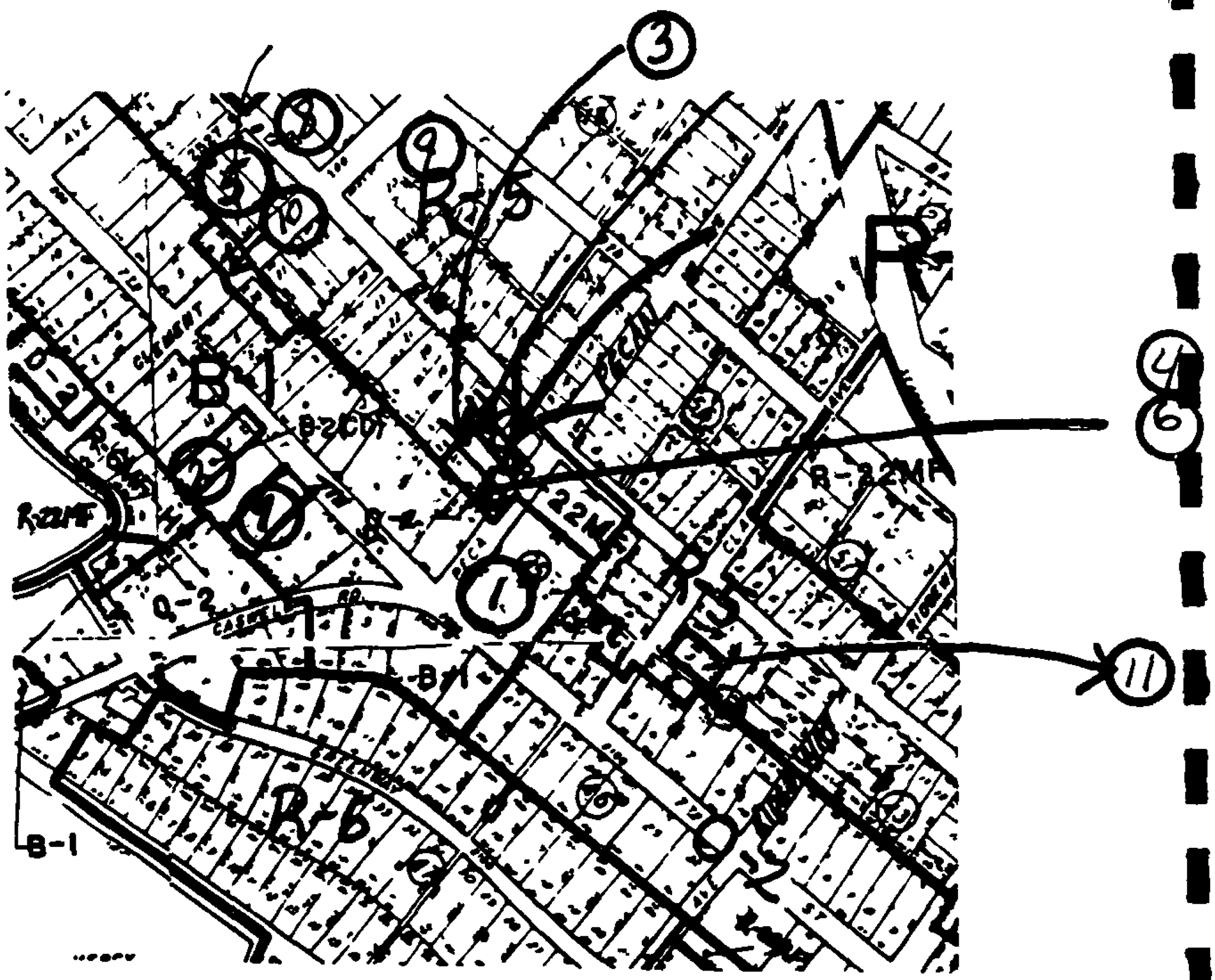
Petition #: 93-29

Petitioner: Joseph M. Church **Hearing Date:** June 21, 1993

Zoning Classification (Existing): R-22MF

Zoning Classification (Requested): NS (Neighborhood Services)

Location: Approximately .172 acres located on the westerly side of Pecan Avenue south of 8th Street.



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

M E M O R A N D U M

DATE: June 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-29: Pecan Avenue South of 8th Street
(Revised 5/24/93)

This site could generate approximately 21-27 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (463 trips per day) will remain the same.

- The existing driveway connection to Pecan Avenue will need to be reconstructed and will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval.

- The minimum parking module for 90° parking on one side is 40 feet. The 39-foot module as shown is inadequate.

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

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

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use

of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal and liability insurance coverage requirements.

To facilitate driveway permit review and approval the site plan must be revised to include the following:

- Show the proposed driveway as a standard drop curb ramp driveway (without radii).

- Indicate the locations and widths of all adjacent and opposing driveways.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Joseph M. Church
Rezoning File

edifice

FURNISHINGS · ANTIQUES

1950 EAST 8TH STREET CHARLOTTE NC 28204 704 343 4900

May 7 1993

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

Dear Interested Party

This letter is in response to your pre hearing staff analysis of our petition for the rezoning of 425 Pecan Avenue from R 22MF to Neighborhood Services Classification Rezoning Petition No 93 29

The purpose for filing the petition is to enable us to continue operating our custom design studio in our home at 425 Pecan Avenue

Prior to our purchasing the property the house was used as rental property and operated as a halfway house by several different organizations The property was in extreme disrepair and an eyesore to the neighborhood The property had a transient clientle and a high crime profile

The house currently is undergoing major renovation to the interior and exterior The lot has been cleared and landscaped to blend with the adjacent residential area. When completed the house will be restored to its original turn of the century look and condition Careful attention is being paid to make sure the property is seen as our home and part of the neighborhood The house is adjacent to three commercial use properties as well as being across the street from a large city water tower

Please take note that our business has been welcomed by the neighborhood In filing this petition we have the complete support of The Elizabeth Neighborhood Association as well as the adjacent property owners

Our business is very low profile with limited client traffic in and out of our studio The business provides jobs for us and others with its associate workshop on Eighth Street

In conclusion we ask for your careful consideration of our petition and ask that you understand the practicality of our request

Sincerely,

Joseph M Church
Kenneth D Power

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 6, 1993

Mayor and City Council:

RE: Petitions to be Heard in July, 1993

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, July 19, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G Fields III (RF)

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-38

Petitioner: J. C. and Dianne Vandevere

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

Request: Change from I-2 to UMUD.

BACKGROUND

1. Existing Zoning. The subject property is zoned I-2 as are nearby properties along Vandevere Place and parts of East Carson Boulevard. Properties located to the north are zoned UMUD. To the south properties are zoned a combination of B-1 and B-2.

2. Existing Land Use. The subject property is presently developed with a commercial building and associated parking. Surrounding properties are devoted primarily to commercial and industrial development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses in the area of the subject property.

   2. Charlotte Central Area Plan. The Central Area Plan includes the petitioned property in an area designated for a mixed use district.

   3. Center City Plan. The Center City Plan proposes low-rise commercial development in the area of the subject property.

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

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-92	B-1, B-2 to B-3	Approved	05/29/66
2. 77-61	I-3 to B-3	Approved	01/30/78
3. 89-101	I-1, I-2 to 0-6, UMUD & B-2	Approved	03/08/90
4. 89-66	I-2, I-3 to UMUD	Approved	10/18/89

7. Neighborhood. This petition falls within the area previously defined as Uptown.

Petition No. 93-38

REVIEWS

1. *Plan Consistency. This petition proposes rezoning from a general industrial category to the Uptown (UMUD) district. The proposed district is in conformance with long held plans and policies for the Uptown area which include the area of the petitioned site in a mixed use designation.*

2. *Technical Consistency.*

    1. *Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition.*

    2. *Departmental Comments. There were few departmental comments related to the petition. CDOT notes the need for right-of-way dedication along Morehead Street.*

ISSUES

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

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

CONCLUSION

This petition is considered appropriate for approval.

**Subject to further refinement following public hearing.*

M E M O R A N D U M

DATE: June 2, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-38: Southwest Corner of East Morehead Street and Vandevere Place

This site could generate approximately 17 trips per day as currently zoned. Trip generation was not calculated for this site under the proposed UMUD zoning due to insufficient data concerning land use and building square footage.

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

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

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

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

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

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
J. C. & Diane H. Vandevere
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-38

Date Filed May 3, 1993

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: J. C. VANDEVERE AND DIANE H. VANDEVERE

Owner's Address: 224 E. Morehead Street, Charlotte, NC 28202

Date Property Acquired: August 31, 1988

Tax Parcel Number: 123-011-01

Location of Property (address or description): Southwesterly corner of East Morehead Street and South College Street

Description of Property

Size (Sq. Ft.-Acres): 10,686.48 s.f.

Street Frontage (ft.): 68.65' on E. Morehead Street

Current Land Use: One commercial building

Zoning Request

Existing Zoning: I-2

Requested Zoning: U-MUD

Purpose of Zoning Change: To permit greater flexibility in use of property in keeping with predominant surrounding zoning.

Joe Vandevere
Name of Agent

Agent's Address

Telephone Number

J.C. & Diane H. Vandevere
Name of Petitioner(s)

P.O Box 37288
~~224 E. Morehead St.~~, Charlotte, NC 28202
Address of Petitioner(s)

377-2488
Telephone Number

[illegible]

[illegible]
Signature

Signature of Property Owner
if Other Than Petitioner

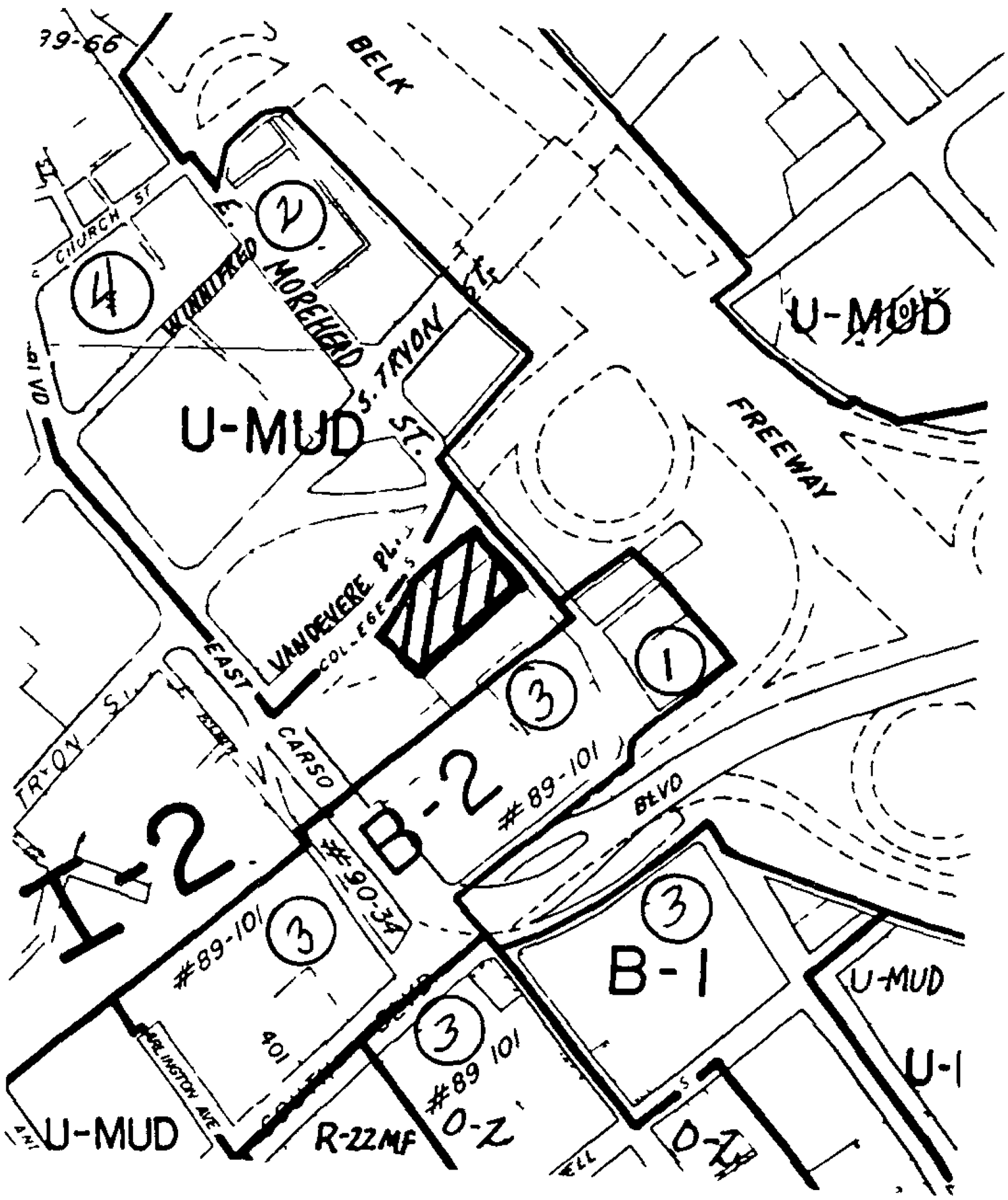
Petition #: 93-38

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

Zoning Classification (Existing): I-2

Zoning Classification (Requested): U-MUD

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



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

Pre-Hearing Staff Analysis

Rezoning Petition No. 93-39

Petitioner: *John Crosland Company*

Location: *A 19.46 acre site located on the easterly side of Idlewild Road east of Elwood Drive.*

Request: *Change from R-9MF(CD) to R-6.*

BACKGROUND

1. *Existing Zoning. The subject property is currently zoned R-9MF(CD) as the result of an earlier rezoning petition. Generally, surrounding properties in the area of the subject property are zoned for single family purposes. Properties located along the westerly side of Idlewild Road North are zoned multi-family residential development.*

2. *Existing Land Use. The subject property is currently vacant. The majority of the surrounding properties are developed with single family homes. Properties along the westerly side of Idlewild Road are developed with a church and multi-family housing.*

3. *Public Plans and Policies.*

    1. *2005 Plan. The 2005 Plan recognizes the existing residential land uses in the area. Strategies for the area include road improvement projects for several of the major thoroughfares in the area.*

    2. *East District Plan. The East District Plan recognizes the existing zoning of the subject property and calls for multi-family residential development in the area.*

    3. *Albemarle Road East Small Area Plan. The subject propeerty is located just outside the boundaries of this plan.*

    4. *Transportation Improvement Program. The Transportation Improvement Program includes widening Albemarle Road from Harris Boulevard to N.C. Highway 51. This project has been completed. The TIP also includes widening Harris Boulevard. This project is nearing completion.*

4. *Site Plan. There is no site plan which accompanies this petition. The site plan presently in effect on the petitioned property permits 252 multi-family units, a density of 12.72 units per acre.*

5. *School Information. This information was not available at the time that this report was prepared.*

6. *Zoning History*

Petition No.	Request	Action	Date
1. 85-13	R-9 and R-9MF to R-9(CD) and R-9MF(CD)	Approved	4/15/85
2. 86-83	R-9(CD) and R-9MF(CD) Site Plan Amendment	Approved	8/13/86

7. *Neighborhood. This site falls within the Chestnut Lake Neighborhood.*

REVIEWS

1. *Plan Consistency. This petition proposes a change from a conditional multi-family residential classification to a conventional single family residential classification. Publicly adopted plans for the area envision residential type land uses in the area of the subject property. Therefore, the petition is consistent with plans for the area.*

2. *Technical Consistency.*

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

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

ISSUES

1. *Land Use. This petition raises no land use issues. It proposes a change from conditional multi-family residential to conventional single family residential in an area in which public plans support continued residential development. Therefore, this petition is viewed as being appropriate for approval.*

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

CONCLUSION

This petition is considered appropriate for approval.

M E M O R A N D U M

DATE: June 1, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-39: Idlewild Road North, East of Elwood Drive

This site could generate approximately 2,310-2,970 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,276-1,392 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

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

Any proposed driveway connections to Idlewild Road North will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway locations and type/width of the driveways will be determined by CDOT during the driveway permit process.

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

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use

of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Sandra R. Turnbull
John Crosland Company
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-39

Date Filed May 3, 1993

Received By TKM

OFFICE USE ONLY

Ownership Information

Property Owner: John Crosland Company

Owner's Address: 145 Scaleybark Road, Charlotte, NC 28209-2608

Date Property Acquired: May 21, 1985

Tax Parcel Number: 135-021-05

Location of Property (address or description)

Idlewild Road North, 200' east of Elwood Drive

Description of Property

Size (Sq Ft -Acres): 19.46 Ac.

Street Frontage (ft): 968'

Current Land Use: vacant

Zoning Request

Existing Zoning: R-9 MF (CD)

Requested Zoning: R-6

Purpose of Zoning Change: to permit the development of a singlefamily subdivision.

Sandra R. Turnbull
Name of Agent

P.O. Box 11293. Charlotte, NC 28220-1293
Agent's Address

(704) 529-6500
Telephone Number

John Crosland Company
Name of Petitioner(s)

145 Scaleybark Rd., Charl., NC 28209
Address of Petitioner(s)

(704)523-8111
Telephone Number

Daniel L. Barnobi
Signature

Signature of Property Owner
if Other Than Petitioner

Petition #: 93-39

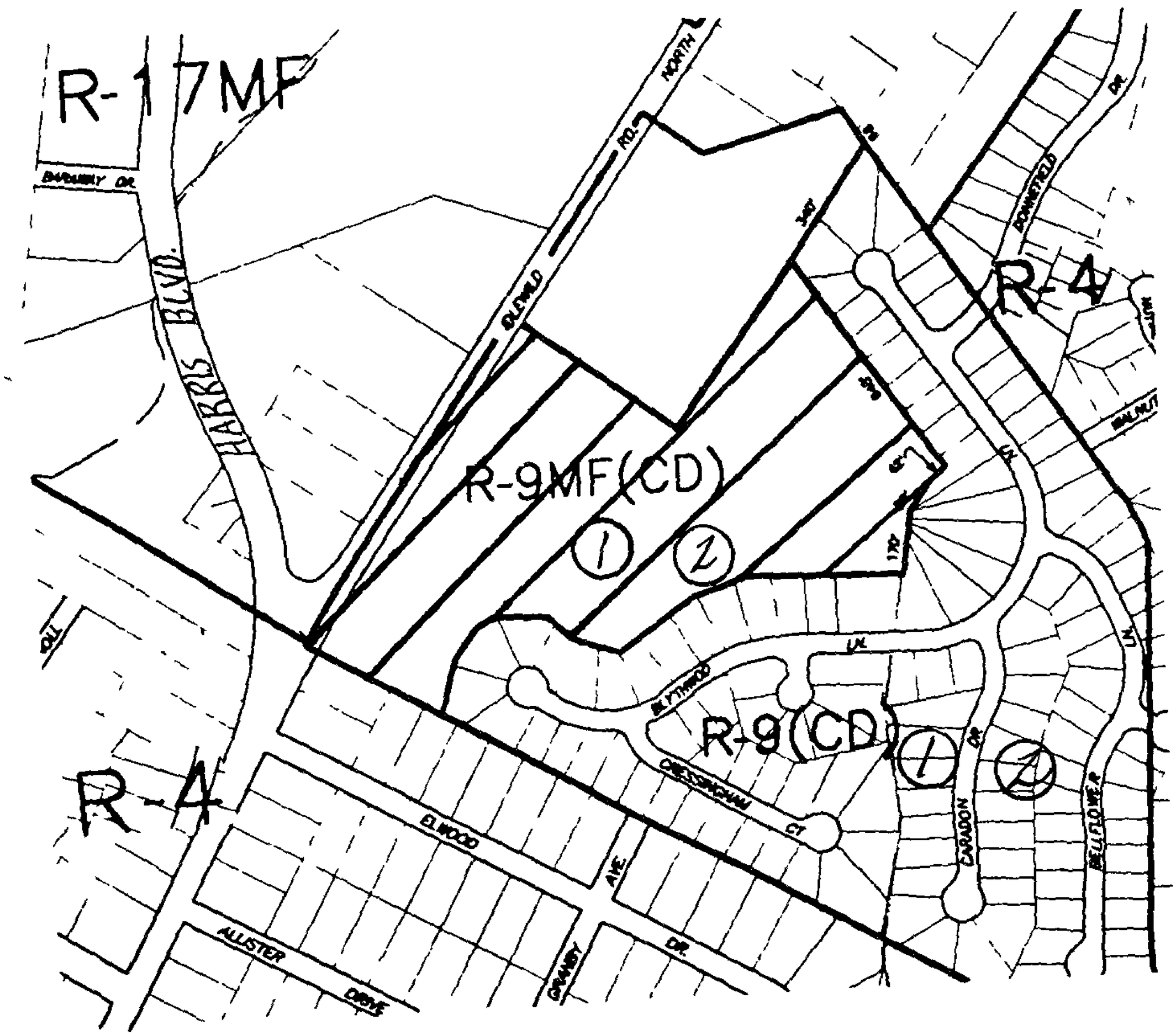
Petitioner: John Crosland Company

Hearing Date: July 19, 1993

Zoning Classification (Existing): R-9MF(CD)

Zoning Classification (Requested): R-6

Location: Approximately 19.46 acres located on the easterly side of Idlewild Road North, east of Elwood Drive.



Scale: 1" = 400'

Zoning Map #(s): 114

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-40

Petitioner: ***Baucom Press, Inc.***

Location: ***Approximately 2.25 acres located on the southside of Susan Drive east of W. T. Harris Boulevard.***

Request: ***Change from I-1, B-1, and R-17MF to B-2(CD).***

BACKGROUND

1. ***Existing Zoning. The subject property is zoned a combination of I-1, B-1, and R-17MF. Properties to the north across Susan Drive are zoned I-1 and R-17MF. Properties to the east and south are zoned a combination of B-1, R-17MF, and R-12MF(CD). Properties located across W. T. Harris Boulevard are zoned R-17MF and B-1SCD. Properties located to the west are zoned R-3.***

2. ***Existing Land Use. The petitioned property is developed with an existing printing and publishing company. Properties along East W. T. Harris Boulevard in the area are devoted to a combination of commercial, office, and multi-family residential development. Single family residential development and churches are found in the outlying areas.***

3. ***Public Plans and Policies.***

    1. ***2005 Plan. The 2005 Plan indicates existing residential development along Delta and Newell Hickory Grove Roads (now W. T. Harris Boulevard). The plan recognizes Hickory Grove Shopping Center as a community commercial center. The 2005 strategies for the area include improvement of Delta and Newell Hickory Grove Roads and potential light rail in the area.***

    2. ***East District Plan. The East District Plan recognizes the existing zoning of the subject property.***

    3. ***Transportation Improvement Program. The Transportation Improvement Program calls for the widening of W.T. Harris Boulevard. This project is in the final phase of construction and has been completed in the area of the subject property.***

4. ***Site Plan. The site plan which accompanies this petition proposes an expansion of the existing printing and publishing business for a maximum building area of 42,000 square feet. Access is provided by one driveway connection to Susan Drive. The standard***

buffers are provided along edges zoned for residential purposes. The plan indicates the proposed zoning expansion would occur to the side and rear of the existing building with the proposed driveway connection and associated parking lot in the easterly portion of the site.

5. *School Information. Not applicable.*

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

Petition No.	Request	Action	Date
1. 65-6	R-9MF to I-1	Approved	01/25/64
2. 65-72	R-9MF, R-15 to B-2	Denied	08/30/65
3. 65-114	R-9MF to B-1	Approved	01/04/66
4. 67-11	0-6 to B-1	Approved	04/03/67
5. 68-4	R-9MF to I-1	Approved	02/12/68
6. 72-66(c)	R-9MF to B-1	Approved	11/20/72
7. 73-41(c)	R-9MF to B-1SCD	Approved	01/07/73
8. 81-11(c)	R-15 to R-9MF	Denied	05/18/81
9. 82-22(c)	R-12 to R-12MF(CD)	Approved	12/17/79
10. 84-25(c)	R-9MF, R-15 to R-12MF(CD)	Approved	11/29/84
11. 85-2(c)	R-12MF(CD) to R-12MF(CD) Site Plan Amendment	Approved	02/18/85
12. 85-31(c)	B-1SCD Site Plan Amendment	Approved	07/08/85
13. 86-58(c)	R-12 to R-12MF(CD)	Denied	11/17/86
14. 90-77	B-1SCD Site Plan Amendment	Denied	11/19/90

7. *Neighborhood. This petition falls within the area defined as the Hickory Grove/Grove Park neighborhood.*

REVIEWS

1. *Plan Consistency. This petition proposes rezoning from a combination of industrial, commercial, and residential categories to a conditional general business district. Plans for the area reflect the existing zoning pattern and generally discourage encroachment of additional nonresidential development into residentially zoned areas. From this standpoint, the petition is not entirely consistent with those plans.*

2. *Technical Consistency.*

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

   2. *Departmental Comments. Departmental comments noted the need for additional*

information on buffer and screening treatments. CDOT notes that the site could generate approximately 37 trips per day as currently zoned and approximately 162 trips per day under the proposed zoning. CDOT has also noted the site plan should indicate the end of the existing pavement section on Susan Drive and the extension of Susan Drive as a public street to accommodate the proposed driveway connection. CDOT comments are attached.

ISSUES

1. *Land Use. This petition proposes a general reconfiguration of zoning from a combination of industrial, commercial, and multi-family categories to a conditional general business district to accommodate an expansion of the existing printing and publishing company. The concept of additional nonresidential zoning and development further away from East W. T. Harris Boulevard is generally inconsistent with land use plans for the area. However, the petition does warrant consideration in that it proposes a plan that in part replaces a conventional industrial category with a conditional commercial category and generally provides for more realistic development potential for the property. In addition, the portion of the subject property presently zoned for multi-family residential purposes has limited development potential for that purpose due to its size and configuration. Even if that portion of the subject property was combined with properties under like zoning to the south the development options are limited due to the shape of the property. For these reasons, the petition could be considered appropriate for approval.*

2. *Site Plan. The site plan which accompanies this petition would accommodate expansion of the existing printing and publishing company for a maximum of 42,000 square feet. Access is provided via a new driveway connection to Susan Drive. The plan provides for all the standard buffers and yards. The outstanding site plan issues relate to a relatively minor detail on the buffer treatment and the need for the plan to indicate an extension of Susan Drive as a public street to accommodate the proposed driveway connection.*

CONCLUSION

This petition could be viewed as appropriate for approval with the submittal of a revised site plan that addresses the minor outstanding site plan issues.

**Subject to further refinement following public hearing.*

M E M O R A N D U M

DATE: June 23, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-40: Susan Drive East of W. T. Harris Boulevard (Revised-without a new date)

This site could generate approximately 37 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (162 trips per day) will remain the same.

The site plan should indicate the end of the existing pavement section on Susan Drive. Susan Drive must be extended as a public street to accommodate the proposed driveway and be constructed in conformance with City standards. All drainage facilities and curb cuts must be constructed in compliance with the Charlotte-Mecklenburg Land Development Standards Manual and coordinated with the City Engineering Department. The street extension should be shown on the plans.

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

The proposed driveway connections to Susan Drive will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The exact driveway location and type/width of the driveway will be determined by CDOT during the driveway permit process. The location of the driveway shown on the site plan are subject to change in order to align with driveway on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

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

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

The facilitate future building permit/driveway permit review and approval, the site plan <u>must</u> be revised as follows:

- Indicate location and width of the two existing (non-standard) driveways on Susan Drive. The existing driveways will have to be reconstructed to comply with the City's Driveway Regulations.

- The existing parking in front of the building and within Susan Drive results in the maneuvering of vehicles within the public right-of-way. This is in violation of the Zoning Ordinance and must be removed.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Fred E. Bryant
Baucom Press, Inc.
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-40
Date Filed May 3, 1993
Received By MCM
OFFICE USE ONLY

Staff Review Tues 6/1 @ 10:00 a.m.

Ownership Information

Property Owner: Baucom Press, Inc. and Mary G. Baucom

Owner's Address: 5516 Susan Drive, Charlotte, NC 28215

Date Property Acquired: May 10, 1973; June 10, 1987

Tax Parcel Number: 107-313-05; 107-312-17

Location of Property (address or description)

South side of Susan Drive, East of W. T. Harris Boulevard

Description of Property

Size (Sq. Ft.-Acres): 2.25 acres

Street Frontage (ft.): 191.66' on Susan Drive

Current Land Use: Vacant except for one building used as a printing facility.

Zoning Request

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

Requested Zoning: B-2(CD)

Purpose of Zoning Change: To allow the expansion of the existing printing operation and simplify an existing zoning pattern.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Baucom Press, Inc.
Name of Petitioner(s)

5516 Susan Dr., Charlotte, NC 28215
Address of Petitioner(s)

568-8293
Telephone Number

Sandra B. Nichols, V. pres.
Mary Baucom
Signature

Signature of Property Owner
if Other Than Petitioner

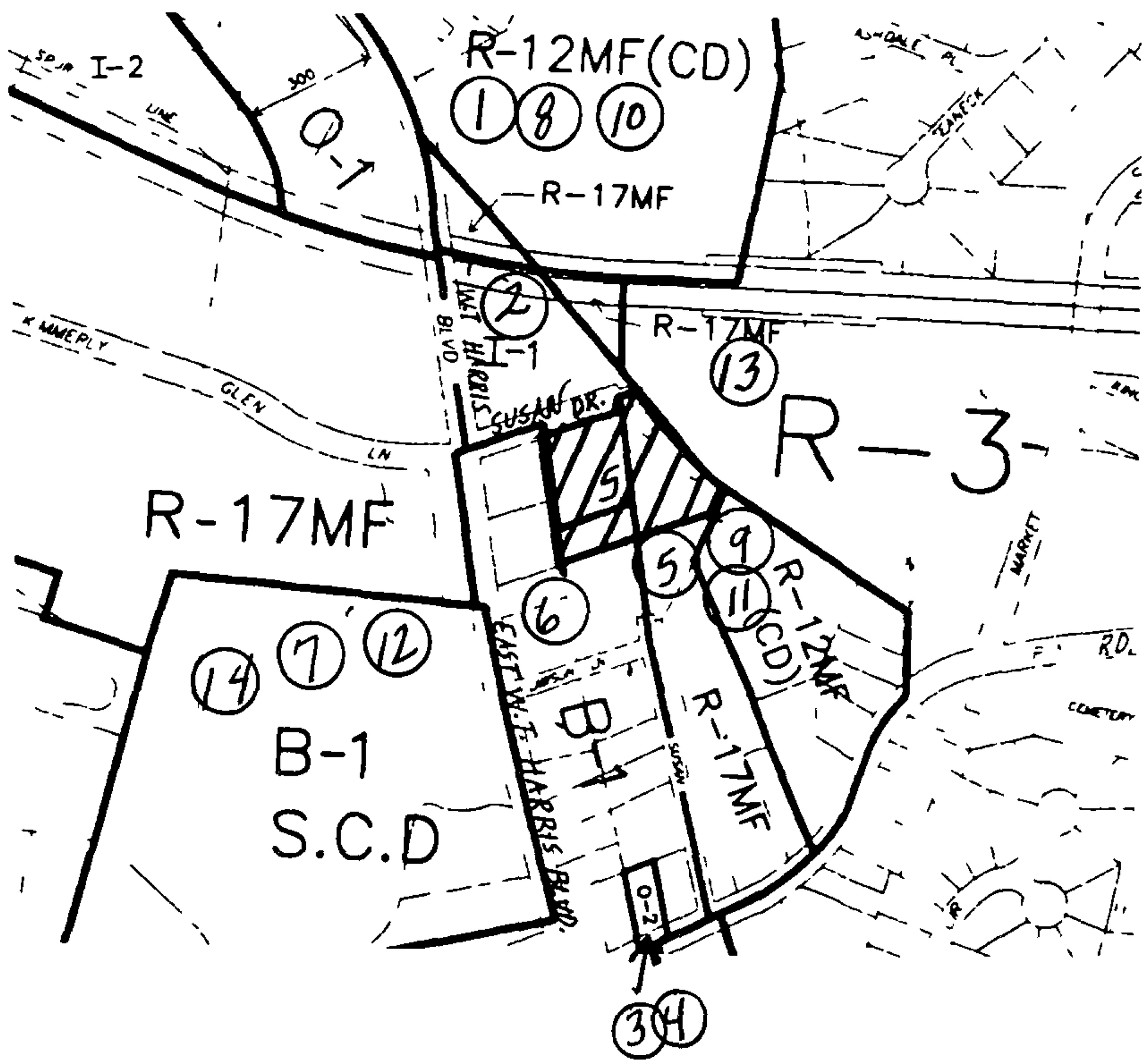
Petition #: 93-40

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

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

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

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



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

FRED E. BRYANT, PLANNER

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

SUPPORT STATEMENT

REZONING PETITION: 93-40

PETITIONER: Baucom Press, Inc.

LOCATION: 2.25 Acres on South Side of Susan Drive, East of W. T. Harris Boulevard

REQUEST: Change from I-1, B-1 and R-17MF to B-2(CD)

Baucom Press has owned this property dating back to 1972 and, for many years, has operated a printing business on the site. The property is zoned a combination of I-1, B-1 and a small amount of R-17MF with the original I-1 zoning being placed there in some belief, apparently, that it was necessary in order to permit the printing operation. In actuality, the current ordinance will allow a printing facility up to 100,000 square feet in the B-2 District.

With the increasing success of the business, Baucom Press now needs to expand their building, and the only way it can be done is to include a small portion of the property which is zoned R-17MF in an appropriate classification. After discussing the matter with the Planning Staff, it was agreed that in order to rezone the R-17MF to B-2, we would consolidate the zoning pattern on the property and, in effect, downzone a portion of the property now zoned I-1 to B-2 category. This will enable us to simplify the zoning pattern on the entire property owned by Baucom under the B-2 designation.

This is a successful employment and commercial operation which, to our knowledge, has not created any problems or issues in this location. In the interest of allowing the expansion to occur and, at the same time, observing all the current standards that apply to buffers and separation of uses, it is maintained that this change in well justified.

The Pre-hearing Staff Analysis recognizes that even though there is a change from residential to business for a small portion of the property, the overall intent and thrust of the request is valid and should be approved. The minor site plan matters mentioned in the Staff Analysis are easily corrected and will be corrected before the plan is ready for approval. These consist of a misunderstanding as to where a fence should be installed and that will be changed to meet the current interpretation intent. The only other item involves showing the end of the existing pavement on Susan Street and indicating that the street will be continued to its dedicated termination point to public street standards. This was agreed to by the Petitioner some time back, and it was purely an oversight in the final preparation of the site plan that resulted in it not being shown.

In the interest of recognizing the validity of an existing commercial development and, at the same time, clarifying and simplifying the zoning pattern present in the vicinity, it is hoped you will consider this to be a well-justified request and will act accordingly to approve it.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-41

Petitioner: *City of Charlotte Engineering Department*

Request: *Consideration of a text amendment to the City Zoning Ordinance to amend the reference to the City's storm water manual to reflect the adoption of a new manual.*

BACKGROUND

The City Zoning Ordinance contains provisions for storm water design plan approval and references the City "Storm Drainage Design Manual". The City has recently updated and revised the manual and renamed it the "Charlotte-Mecklenburg Storm Water Design Manual". This petition proposes to amend the related reference in the Zoning Ordinance to reflect the revised storm water manual.

CONCLUSION

This petition is recommended for approval.

**Subject to further refinement following public hearing.*

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-41
Date Filed May 3, 1993
Received By [illegible]
OFFICE USE ONLY

Section No 12 603 Stormwater Drainage - Standards for plan approval
(Title)

Purpose of Change Amend Section 12 603(1) by deleting the reference to "Storm Drainage Design Manual" and replacing it with the "Charlotte Mecklenburg Storm Water Design Manual", which will reflect the adoption of the new manual

Name of Agent

Agent's Address

Telephone Number

Charlotte Engineering Department
Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC 28202-28
Address of Petitioner(s)

(704) 336-3656
Telephone Number

Signature

ORDINANCE NO _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

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

"Storm Drainage Design Manual"

and replacing it with the following

"Charlotte-Mecklenburg Storm Water Design Manual"

Section 2 This ordinance shall become effective upon adoption

Approved as to form

_____
City Attorney

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

_____
City Clerk

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-42

Petitioner: *J. Michael Shaheen*

Location: *Approximately .4 acres located at the intersection of 7th Street and Pecan Avenue.*

Request: *Change from B-1 to NS (Neighborhood Services).*

BACKGROUND

1. *Existing Zoning. The subject property is zoned B-1 as part of an overall pattern of B-1 zoning along the East 7th Street frontage. Several properties located at the intersection of East 7th Street and Pecan Avenue have recently been rezoned to the NS district. Further to the southeast on East 7th Street, the zoning pattern transitions to the 0-2 category. Elsewhere the predominate zoning classification is R-5 though a number of parcels are devoted to a combination of multi-family categories including R-22MF, R-6MF(CD), and R-43MF. Properties generally to the west of Independence Park are zoned 0-2.*

2. *Existing Land Use. The subject property is developed with a restaurant and retail uses. Adjoining properties located along East 7th Street are devoted primarily to commercial uses. Other sections of East 7th Street are developed with commercial, office, and residential development. Elsewhere in the area is single family and multi-family development. Independence Park and Mercy and Presbyterian Hospitals are located to the west.*

3. *Public Plans and Policies.*

   1. *2005 Plan. The 2005 Plan recognizes the area of the subject property as a community commercial center and Independence Park as a major park/open space. The 2005 strategies for the area include light rail service in the area and the Midtown Development Enterprise Area.*

   2. *Elizabeth Small Area Plan. The Elizabeth Small Area Plan recognizes the intersection of East 7th Street, Pecan Avenue, and Caswell road as a gateway in the Elizabeth neighborhood and recommends that building and landscaping proposals along East 7th Street emphasize the gateway quality of this location. The plan recognizes East 7th Street as a major radial thoroughfare in the area that serves as a gateway to Uptown Charlotte. The plan recognizes that any reconstruction of East 7th Street must take the Elizabeth Community into consideration and include measures to unify the neighborhood. The existing*

street, sidewalks, and tree canopy serves as a physical and psychological link between the two halves of the neighborhoods. The plan recommends a new neighborhood mixed use zoning district to encourage the development of a neighborhood commercial center at Stanleyville. The purpose of this district would be to promote neighborhood commercial development at specific locations and in conjunction with residential development. The plan recognizes the feasibility of the neighborhood mixed use district for the petitioned property and other properties located at the intersection of Pecan Avenue, East 7th Street, and Caswell Road.

3. *Elizabeth Urban Design Plan and Transportation Study. The Elizabeth Urban Design Plan and Transportation Study also recommends a new neighborhood mixed use zoning district to be created to encourage the development of a neighborhood commercial center at Stanleyville. Building and landscaping proposals along East 7th Street should emphasize its gateway quality.*

4. *Central District Plan. The Central District Plan continues the effort to implement the recommendations contained in the Elizabeth Small Area Plan. It notes that a new mixed use district for the East 7th Street area should be pursued and recommends the designation of Pecan Avenue, Caswell Road, and East 7th Street as a neighborhood services district. The plan also recommends local historic district designation and/or conservation status for the Elizabeth neighborhood and to pursue every means to maintain East 7th Street at its present width.*

4. *Site Plan. The site plan which accompanies this petition proposes rezoning from B-2 to the NS (neighborhood services) district. The plan notes the existing 6,819 square foot building and associated parking lot to remain. The plan also accommodates a proposed grade level outdoor patio seating area of approximately 900 square feet in an area presently occupied by nonconforming parking spaces. The plan notes that the two curb cuts in the area will be closed with the construction of the outdoor patio. The plan includes an architectural detail that provides for replacement of the parking spaces with a patterned concrete paving surface, a decorative edge treatment consisting of 30" brick piers with light fixtures 16 feet on center connected by railings. The detail also provides for a planting strip along the interior edge of the sidewalk. The plan reserves the right to pursue variances from the Board of Adjustment regarding transitional setback and screening provisions.*

5. *School Information. Not applicable.*

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 75-44	R-6MF to R-6	Approved	09/19/83
2. 83-36	B-1 to B-2(CD)	Approved	06/15/87
3. 87-54	R-6MF to R-6	Approved	06/15/87
4. 87-38	0-6 to R-6MF	Approved	06/21/87
5. 87-34	0-6 to R-6MF	Approved	06/22/87
6. 87-66	0-6 to R-6MF	Approved	06/22/87
7. 93-25	B-1 to NS	Approved	06/21/93

7. Neighborhood. This site falls within the area defined as the Elizabeth neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the neighborhood business district to the neighborhood services district in an area in which publicly adopted plans have long recognized the feasibility and desirability of this concept. The Elizabeth Urban Design Plan and Transportation Study and Elizabeth Small Area Plan recommend the creation of a new neighborhood mixed use zoning district to encourage the development of a neighborhood commercial center at Stanleyville and the Central District Plan recognizes the feasibility of a neighborhood services district at the intersection of Pecan Avenue, Caswell Road, and East 7th Street. Therefore, this petition is entirely consistent with plans for the area.

2. Technical Consistency.

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

2. Departmental Comments. Departmental comments included the need for right-of-way dedication along East 7th Street and a concern from the City's Department of Transportation (see attached memo) regarding the lessened off-street parking requirements associated with the NS district.

ISSUES

1. Land Use. This petition proposes rezoning from the neighborhood business district to the neighborhood services district in an area in which publicly adopted plans have long recognized and encouraged such a concept. Therefore, this petition is considered appropriate for approval.

2. ***Site Plan.*** ***The site plan which accompanies this petition recognizes the existing 6,819 square foot retail/restaurant use of the property and proposes a grade level, 900 square foot outdoor patio seating area in front of the restaurant. (The proposed patio area is currently occupied by nonconforming parking spaces). The plan includes an architectural detail of the proposed patio that includes patterned concrete paving, a decorative wall composed of 30 inch brick piers with light fixtures and railings and a planter strip along the inside edge of the sidewalk. The plan notes that the two curb cuts closest to the intersection of East 7th Street and Pecan Avenue are to be closed upon construction of the patio. The plan reserves the right to apply for variances from the Board of Adjustment regarding transitional setback and screening provisions. From a site plan standpoint, the petition is considered appropriate for approval.***

<u>CONCLUSION</u>

This petition is recommended appropriate for approval.

****Subject to further refinement following public hearing.***

M E M O R A N D U M

DATE: June 23, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-42: Southwest Corner of 7th Street and Pecan Street (Revised 6/21/93)

This revised site could generate approximately 1,400 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,585 trips per day) will remain the same.

- As in a previous rezoning to Neighborhood Services (NS) (RP 93-25), CDOT remains concerned about the drastically reduced parking requirement, particularly for restaurants in the NS district. We feel that more parking should be required since the development is not intermixed with the high density residential component (required under NS zoning) which would typically produce more pedestrian than vehicular trips.

  The NS zoning parking requirement provides only one parking space for every eight that would be required for restaurant use in any other zoning district. We feel that parking will overflow onto existing narrow residential streets and into other parking lots in the vicinity and cause increased congestion on the area roadway system and at the development driveways.

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

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

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

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

To facilitate future building permit/driveway permit review and approval, the site plan <u>must</u> be revised as follows:

- The one existing driveway on E. 7th Street which is proposed to remain and is used exclusively for parking within the existing right-of-way must be closed with standard curb and gutter. It is a direct violation of the Zoning Ordinance to allow vehicular maneuvering within City right-of-way (backing up into 7th Street).

- The existing center driveway on Pecan Avenue is shown to have parking in front of it and must also be closed with standard curb and gutter.

- All remaining driveways must be brought into compliance with the City's Driveway Regulations.

  The proposed NS zoning does not exempt these driveways from complying with the Driveway Regulations.

- All parking must also be brought into compliance concerning minimum module dimensions, and circulation patterns.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Kelly Pfahl Associates Architects
J. Michael Shaheen
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-42
Date Filed May 3, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: David Francis

Owner's Address: P.O. Box 35329

Date Property Acquired:

Tax Parcel Number: 127·031·11

Location of Property (address or description): 1955 E. SEVENTH ST.

Description of Property

Size (Sq. Ft.-Acres): 17,845 SF. .409 AC Street Frontage (ft.): 100'

Current Land Use: RETAIL & RESTAURANT

Zoning Request

Existing Zoning: B-1 Requested Zoning: Neighborhood Servic

Purpose of Zoning Change: see attached

Kelly Pfahl Associates Architects
Name of Agent

725 Providence Rd. Suite 310
Agent's Address

704·375·8641
Telephone Number

J. Michael Shaheen
Name of Petitioner(s)

821 Baxter St. Suite 306
Address of Petitioner(s)

344·1800
Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

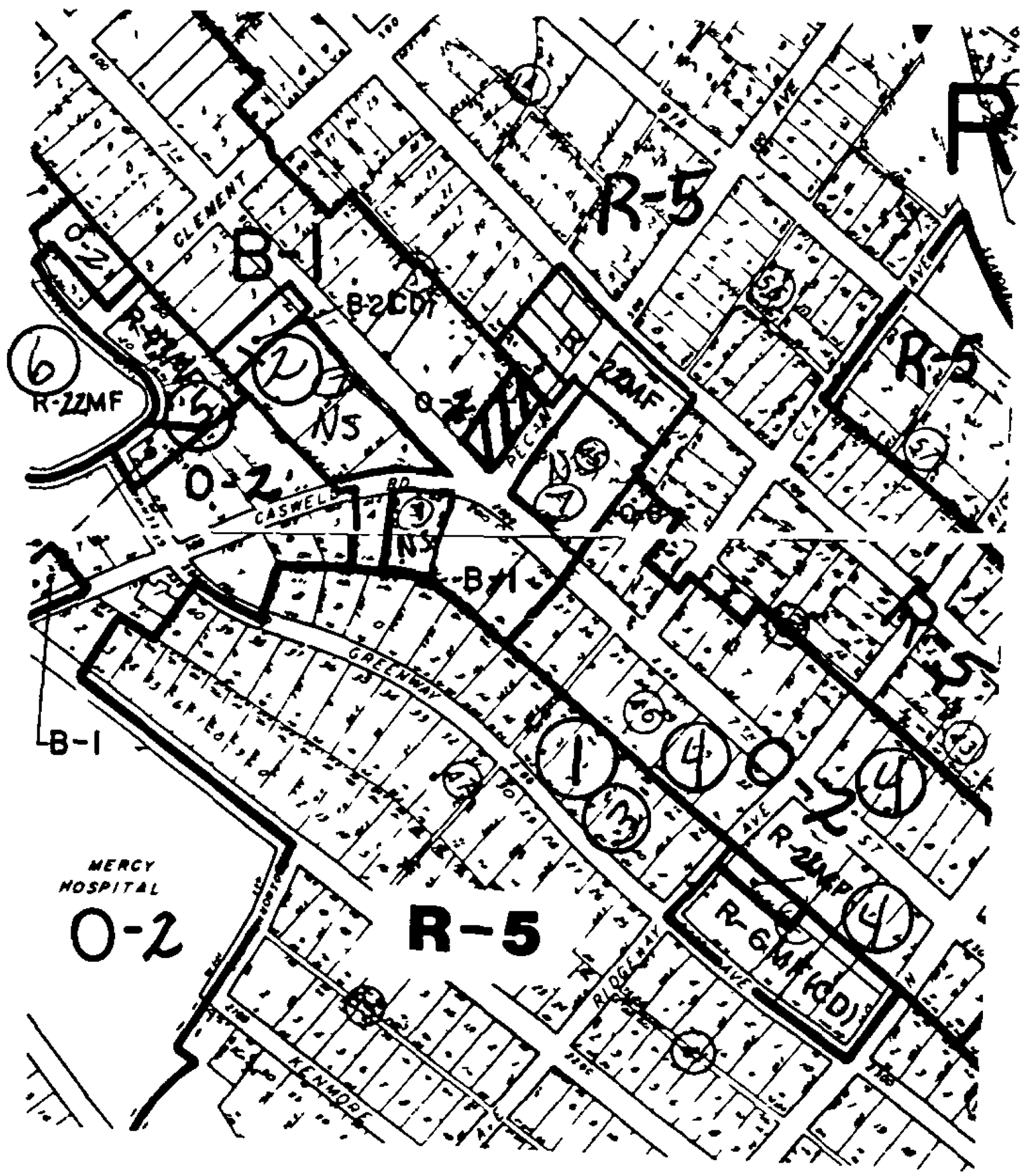
Petition #: 93-42

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

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS (Neighborhood Services)

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



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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-43

Petitioner: *Mathew A. Sullivan*

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

Request: *Change from R-22MF to B-2(CD).*

BACKGROUND

1. *Existing Zoning. The petitioned property is zoned R-22MF as are abutting and nearby properties to the north and south. Properties further to the south along Wilkinson Boulevard are zoned I-1 and I-2.*

2. *Existing Land Use. The petitioned property is presently developed with a single family residence and a non-conforming auto repair garage. Surrounding properties in the Morris Field Drive/Denver Avenue area are devoted to single family residential development. Properties to the south along Wilkinson Boulevard are devoted to a variety of industrial, commercial, and office uses.*

3. *Public Plans and Policies.*

    1. *2005 Plan. The 2005 Plan indicates residential development in the area of the subject property.*

    2. *Wilkinson Boulevard Special Project Plan. The objectives of the Wilkinson Boulevard Plan are to support Wilkinson Boulevard as an employment corridor and preserve the surrounding residential neighborhoods from encroaching nonresidential uses. Properties immediately to the south were rezoned from I-2 to R-6MF in 1988 as part of the implementation of the plan.*

    3. *Central District Plan. The Central District Plan recommends that existing multi-family zoning be maintained in this location.*

4. *Site Plan. The site plan which accompanies this petition would accommodate the existing nonconforming 1,750 square foot auto repair garage to the rear of the existing residence. Access to the site remains unchanged and is provided by an existing gravel drive. The plan notes that the Zoning Board of Adjustment has waived the normal buffer requirement for this property. The plan does, however, commit to installation of*

a 6 foot solid wood fence along the property lines in the area of the garage. The plan also commits to no detached signage for the garage.

5. *School Information. Not applicable.*

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

Petition No.	Request	Action	Date
1. 88-69	I-2 to R-6MF	Approved	10/17/88
2. 88-70	I-2 to I-1	Approved	10/17/88

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

REVIEWS

1. *Plan Consistency. This petition proposes a rezoning from a multi-family residential category to a conditional general business district to accommodate an auto repair facility. Publicly adopted plans recognize the subject property as part of an established residential area. Therefore, the petition is not consistent with public plans and policies.*

2. *Technical Consistency.*

    1. *Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition. Staff noted land use plans which call for continued residential use of the area and discouraged the petition.*

    2. *Departmental Comments. Departmental comments included the need for clarifying information on yards, screening, and potential expansion of the existing residence. The revised plan generally addresses the departmental comments.*

ISSUES

1. *Land Use. This petition proposes rezoning from a multi-family residential category to a conditional general business district to accommodate an existing auto repair garage to the rear of the existing dwelling. The proposal to introduce a commercial zoning district in this area is inconsistent with both the Wilkinson Boulevard Special Project Plan and the Central District Plan which support Wilkinson Boulevard, rather than the surrounding neighborhoods, as the appropriate location for commercial and industrial development. Therefore, the petition is considered inappropriate for approval from a land use standpoint.*

2. *Site Plan. The site plan which accompanies this petition would accommodate the*

existing non-conforming auto repair garage to the rear of the existing residence. The site plan notes a recent Board of Adjustment waiver of the standard buffer requirement but provides for a wood fence in the area of the garage. Otherwise, the site would be essentially unchanged. Therefore, the petition is sufficient from a site plan standpoint due in part to a recent variance from the standard buffer requirements.

CONCLUSION

This petition is not considered appropriate for approval from a land use standpoint.

****Subject to further refinement following public hearing.***

M E M O R A N D U M

DATE: June 23, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-43: Denver Avenue East of Morris Field Drive (Revised 6/18/93)

This site could generate approximately 77-99 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (52 trips per day) will remain the same.

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

The existing/proposed driveway connection to Denver Avenue does not comply with the current commercial standard and will be required to be reconstructed. A driveway permit will be required to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval. The driveway will have to comply with the City Driveway Regulations and the City Tree Ordinance.

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

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

holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/ installation of the non-standard item(s). Contact CDOT for additional information concerning submittal and liability insurance coverage requirements.

To facilitate future building permit/driveway permit review and approval, the site plan must be revised as follows:

- Show the reconstructed driveway as a standard drop curb ramp Type II drive (without radii) at 10 feet off the side property line.
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate parking module dimensions.
- Include a parking summary with figures for number of parking spaces required and provided.

If we can be of further assistance, please advise.

RDG/REG:hll

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Robert G. Young
Matthew A. Sullivan
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-43
Date Filed May 3, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Matthew A. Sullivan

Owner's Address: 4201 Denver Avenue Charlotte, N.C. 28208

Date Property Acquired: 1989

Tax Parcel Number: 061-034-01

Location of Property (address or description)

4201 Denver Ave.

Description of Property

Size (Sq Ft -Acres): .53 acres

Street Frontage (ft.): 108' Denver Ave.

Current Land Use: single family residence

Zoning Request

Existing Zoning: R-22 MF

Requested Zoning: B-2(CD)

Purpose of Zoning Change: to permit the establishment of an auto repair garage in the existing garage on the site

Robett G. Young
Name of Agent

301 S. McDowell St. #404 Charlotte, N.C. 82204
Agent's Address

334-9167
Telephone Number

Matthew A. Sullivan
Name of Petitioner(s)

4201 Denver Ave. Charlotte, N.C. 28208
Address of Petitioner(s)

398-3322
Telephone Number

X Matthew A. Sullivan
Signature

Signature of Property Owner
if Other Than Petitioner

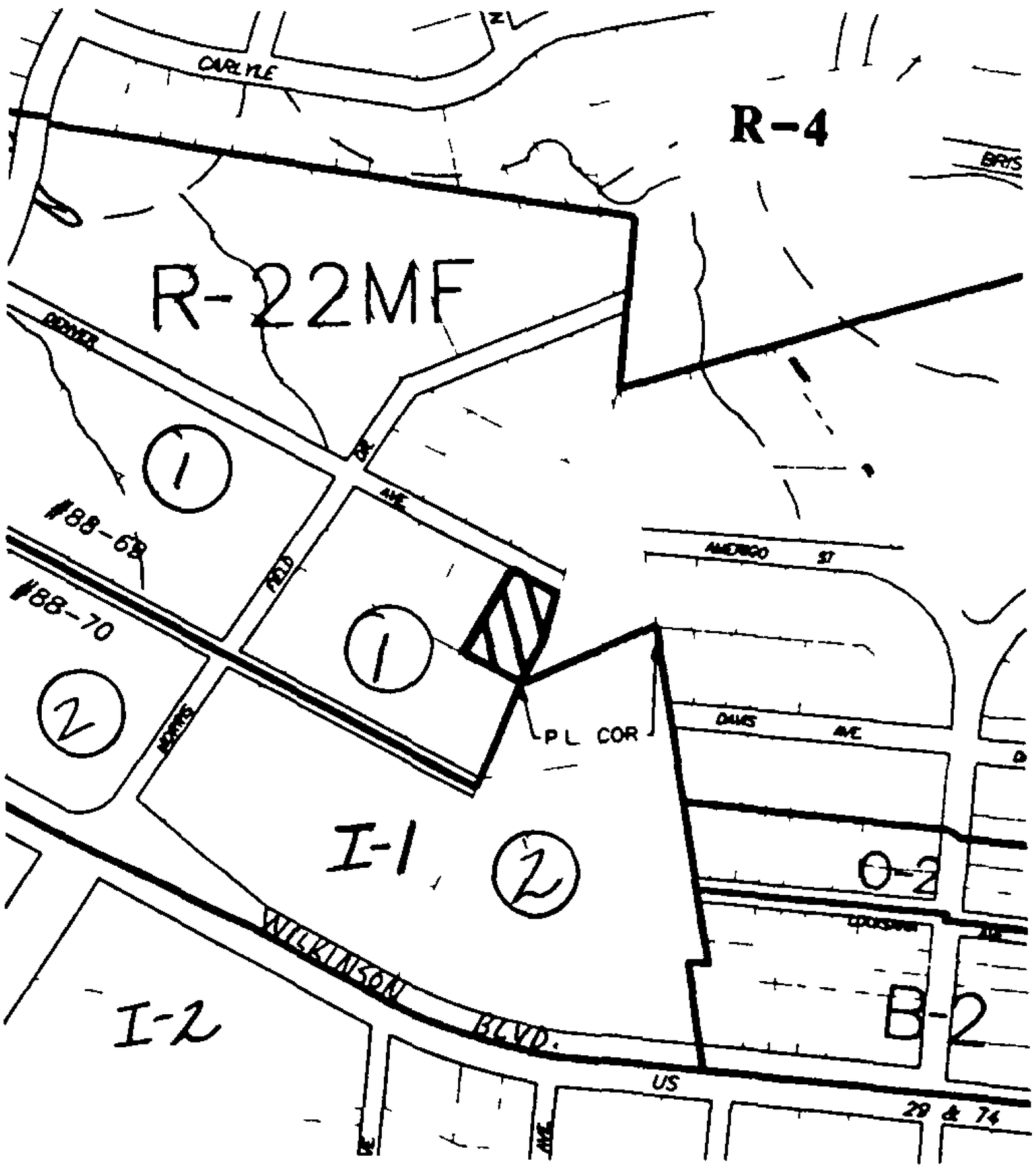
Petition #: 93-43

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

Zoning Classification (Existing): R-22MF

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

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



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

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-44

Petitioner: Charlotte City Council

Request: Consideration of a text amendment to the City Zoning Ordinance to establish guidelines for the improvement, expansion or replacement of existing group homes.

BACKGROUND

The zoning ordinance, effective in January 1992, established location criteria for new group homes in or near residential areas that provides a 1/4 mile separation from any existing group homes. Existing non-conforming group homes are not permitted to be expanded or replaced. This proposed text amendment would provide an exemption from the location criteria for existing group homes. In addition, replacement of group homes established prior to January 1, 1992 would be permitted on the same site or on a site in the immediate area if the distance to another group home is not decreased.

CONCLUSION

This petition provides for an exemption from the location criteria for existing group homes in order to allow the expansion or replacement of existing group homes under certain criteria.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-44

Date Filed June 21, 1993

Received By MCM

OFFICE USE ONLY

Section No 12.517

Group Homes

(Title)

Purpose of Change To establish guidelines for the improvement, expansion, or replacement of an existing group home established before January 1, 1992.

Name of Agent

Agent's Address

Telephone Number

Charlotte City Council

Name of Petitioner(s)

600 East Fourth Street, Charlotte, NC 28204

Address of Petitioner(s)

Telephone Number

Signature

Petition No. 93-44
Petitioner: Charlotte City Council

ORDINANCE NO. _____

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

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

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

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

Amend Section 12.517 by adding the following new paragraph.

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

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

Approved as to form:

_____
City Attorney

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 28, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, July 12, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, July 19, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-17*
PETITIONER(S):	*Larry D. Campbell*
REQUEST:	*Change from R-4 to B-2(CD).*
LOCATION:	*A 2.4 acre site located on the east side of Statesville Road north of Cindy Lane.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from a single family residential district to a conditional general business district to allow expansion of the existing wrecker service. The petition was deferred previously due to a three to two vote. The Zoning Committee discussed the petition at length and again there were lingering concerns expressed by some of the Zoning Committee members regarding the edge treatment adjoining residential zoning that includes a fence on the exterior of the buffer. However, it was also noted that the neighborhood association is strongly in favor of the petition and that the petitioner has been an asset to the neighborhood. Ultimately, the Zoning Committee viewed the petition as appropriate and recommends its approval.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. The introduction of commercial zoning in this section of Statesville Road is contrary to long-range goals and policies for the area.

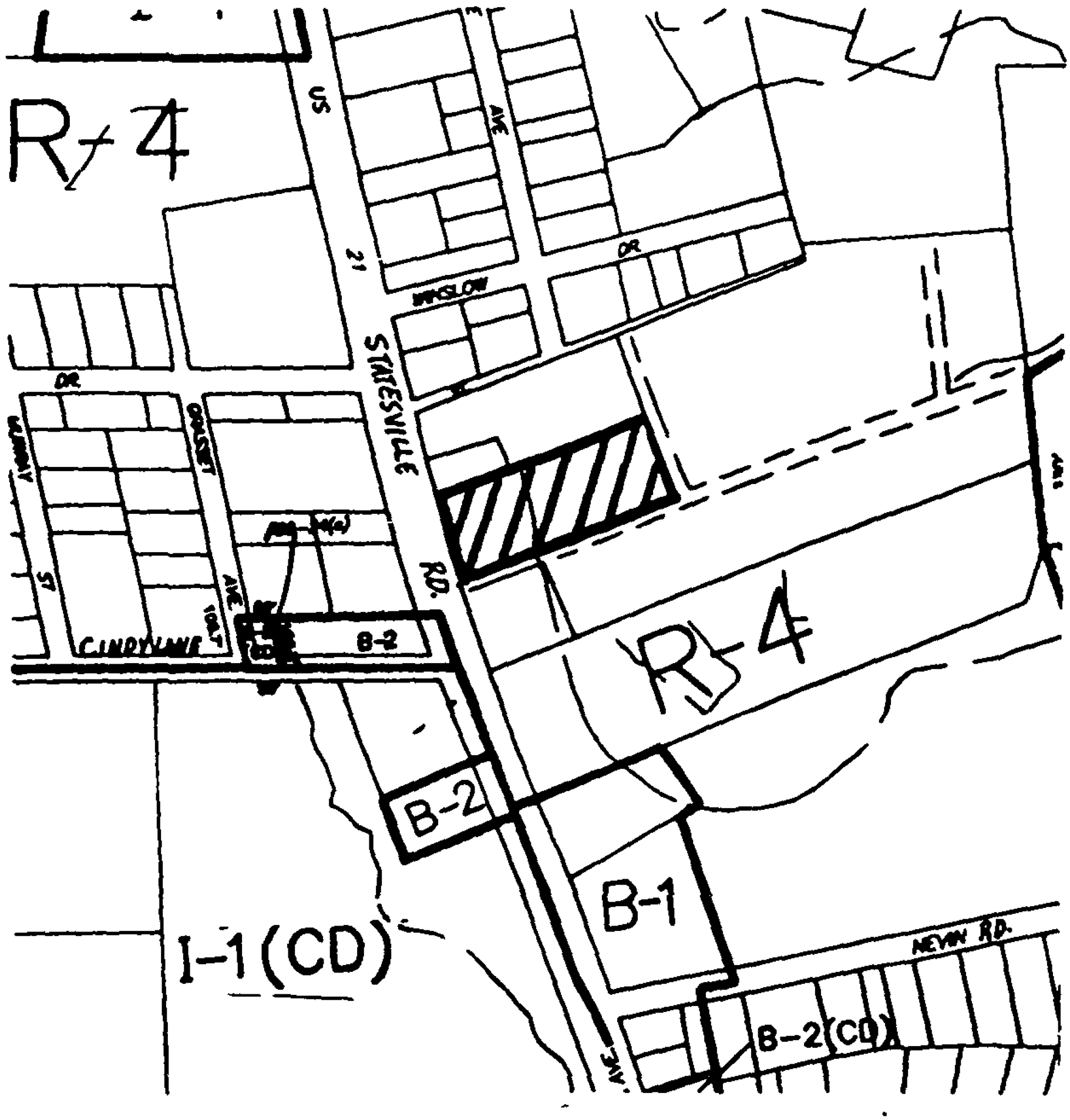
PETITIONER Larry D. Campbell

PETITION NO.: 93-17 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED. B-2(CD)

LOCATION. Approximately 2.4 acres located on the east side of Statesville Road north of Cindy Lane.



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-21*
PETITIONER(S):	*John and Theodora Davidson*
REQUEST:	*Change from R-5 to R-17MF.*
LOCATION:	*2 parcels totaling approximately .4 acres located on the southerly side of I-85 east of Tennessee Avenue.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, Tabor, and Whelchel.*
Nays:	*McClure.*
Absent:	*None.*

REASONS

This petition proposes rezoning from a single family residential category to a multi-family residential category. The petition was deferred previously in order to allow time for the petitioner to prepare a site plan to ensure that the proposed day care expansion could be accommodated on the property. The petitioner subsequently submitted a site plan that relies in part on variances from the Board of Adjustment in order to accommodate the expansion as planned. The Zoning Committee discussed the merits of a conventional versus a conditional approach for the petition.

MINORITY OPINION

The minority opinion viewed a conditional district approach as preferable and favored a limitation on the use of the property to a day care center.

MAJORITY OPINION

The majority opinion of the Zoning Committee viewed a conditional petition as unnecessary in this case inasmuch as a day care is presently in operation on the property. Therefore, the petition is recommended for approval as originally submitted for an R-17MF category.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-21

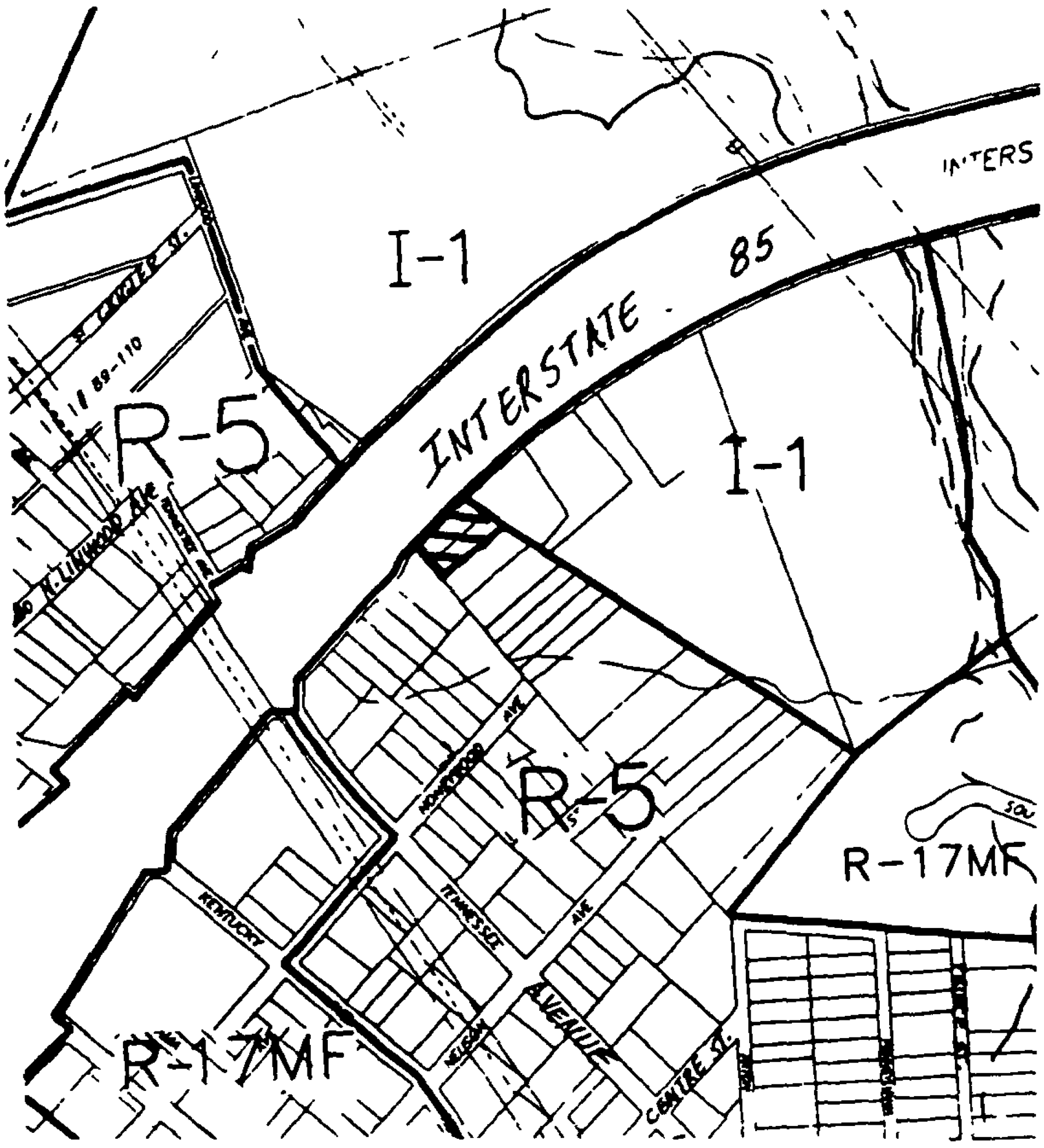
Petitioner: John & Theodora Davidson

Hearing Date: May 17, 1993

Zoning Classification (Existing): R-5

Zoning Classification (Requested): R-17MF

Location: Located on the south side of I-85, east of Tennessee Avenue.



Zoning Map #(s): 80

Scale: 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 28, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, July 12, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, July 19, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE: *June 28*

PETITION NO.: *93-23*

PETITIONER(S): *Fawzy & Fatima Banawan*

REQUEST: *Change from R-4 to R-8MF(CD) and R-8(CD).*

LOCATION: *Approximately 3.31 acres located on the north side of Craig Avenue south of Nancy Drive.*

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

VOTE: *Yeas:* *James, Jones, Tabor, and Whelchel.*

Nays: *Fenning and McClure.*

Absent: *None.*

REASONS

This petition proposes rezoning to accommodate the expansion of an existing day care center and the development of a single family residential subdivision. The petition had been deferred previously in order to allow the petitioner time to make additional site plan changes. A revised site plan has been submitted that relocates the outdoor play area to the rear of the day care center and the outdoor play area and parking spaces have been removed from the front and side of the existing building. The buffer treatment on the single family residential edge has been amended to provide a wooden fence at the edge of the play area and on the interior side of the buffer. The Zoning Committee asked the petitioner's agent to respond to several inquiries regarding the nonconforming status of the existing day care center. The petitioner's agent outlined the history of past owners and users of the existing facility dating back to the 1960's. Several Zoning Committee members viewed the petition as appropriate for approval as modified noting the site's proximity to industrial zoning and uses. However, there were also concerns expressed about day care related traffic on nearby streets and the limited amount of space provided for the day care and related play area.

MINORITY OPINION

The minority opinion viewed the petition as inappropriate for the area noting concerns regarding traffic impact from the proposed day care and the limited amount of space provided for the day care and the associated play area. It was noted that the property being proposed for a single family residential subdivision could be better utilized by providing more space for the day care facilities. Although the provided play area is above the minimum ordinance requirement, it was not considered to be adequate for the proposed number of children.

MAJORITY OPINION

The majority of the Zoning Committee viewed the proposal as appropriate for the area. The site's relationship to existing industrial zoning and uses was noted as well as the recent modifications to the site plan. Therefore, the Zoning Committee recommends that this petition

be approved, as modified.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

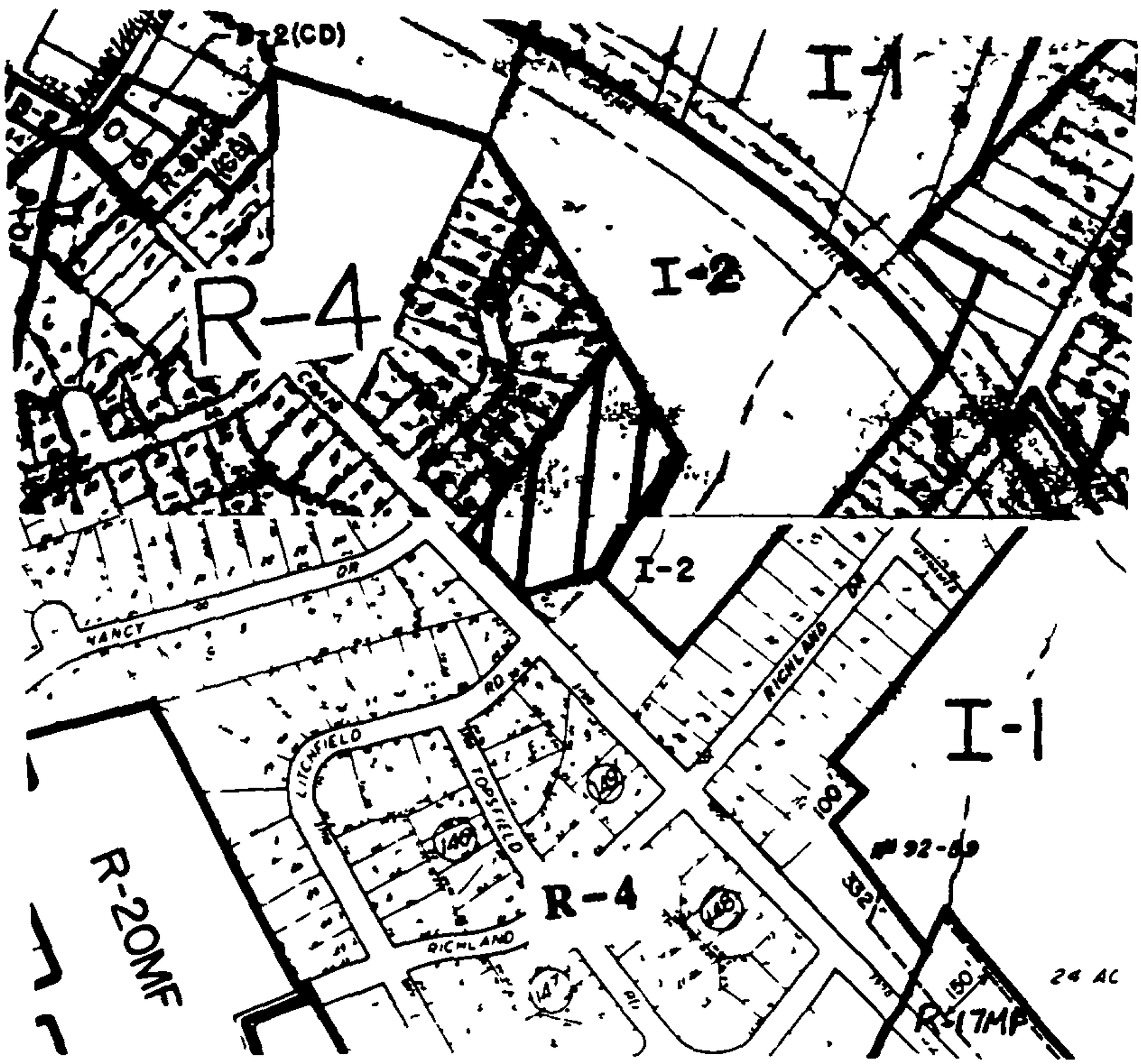
Petition #: 93-23

Petitioner: Fawzy M. & Fatima Banawan **Hearing Date:** May 17, 1993

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-8(CD) & R-8MF(CD)

Location: Approximately 3.31 acres located on the north side of Craig Avenue just south of Nancy Drive.



Zoning Map #(s): 112,124 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 28, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, July 12, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, July 19, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-26*
PETITIONER(S):	*Charlotte Tree Advisory Commission*
REQUEST:	*Consideration of a text amendment to change the size of required trees in several sections of the City's zoning ordinance.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*James, Jones, Tabor, and Whelchel.*
Nays:	*Fenning and McClure.*
Absent:	*None.*

REASONS

This text amendment proposes to amend several sections of the City's zoning ordinance that require installation of trees. The sections affected by the proposed amendment relate to buffers, parking decks, the neighborhood services district, and the UMUD district. The amendment proposes a change to the buffer and parking deck standards to specify all trees as a minimum of 2 inches caliper at installation. The proposed text amendment seeks a change to the neighborhood services district to modify the requirements for street trees from 2-1/2 inches for small maturing trees and from 3 inches for large maturing trees to a standard 2 inch requirement. The amendment also proposes a change to the UMUD district to modify the requirement for street trees from 3 inches for small maturing trees and from 4 inches for large maturing trees to a 3-1/2 inch standard requirement. The proposal also involves a change to the requirement for urban open space trees from 3 inches for enclosed urban open space trees and from 4 inches for unenclosed urban open space trees to a 3-1/2 inch standard requirement. The majority of the Zoning Committee viewed the petition as appropriate for approval in that it standardizes the overall ordinance requirements. It was also noted that the smaller trees grow fairly quickly and catch up to the larger trees over a fairly short period of time. Therefore, the Zoning Committee recommends that this petition be approved.

MINORITY OPINION

The minority opinion noted that the neighborhood services district and the UMUD district allow intense development and need an adequate amount of green space and buffering and that objective is more critical than providing the perfect environment for a tree.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. The newly created neighborhood services district and the UMUD district allow for greater intensity of development with greatly reduced setbacks. The larger than average trees are appropriate and necessary in this context and help to create an instant effect in a more intense environment.

ORDINANCE NO. _____

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 Chapter 9, Part 9, Section 9.906, Subsection 2(g) (UMUD - Street Trees) by:

(A) Changing the first sentence "In addition to all other requirements of this Subsection, at least one tree of 4 inches caliper for large maturing trees or 3 inch caliper for small maturing trees must be planted for each 25 feet or fraction over 25 feet for small maturing trees and for each 35 feet or fraction of 35 feet for large maturing trees of the entire building lot which abuts any public street right-of-way" to read as follows: "In addition to all other requirements of this subsection, at least one tree of 3 - 3½ inches caliper minimum measured 6 inches above ground must be planted for each 25 feet or fraction...".

2 - Amend Chapter 9, Part 9, Section 9.906, Subsection 4(g) (UMUD - Trees) by:

(A) Deleting two sentences: "Trees planted on unenclosed urban open spaces must have minimum caliper of 4 inches at the time of planting. Trees planted on enclosed urban open spaces must have a minimum caliper of 3 inches at the time of planting." Replace the sentences above with "Trees must have a minimum caliper of 3 - 3½ inches measured 6 inches above ground at time of planting."

3 - Amend Chapter 11, Part 5, Subsection 1 (Neighborhood Services District - Streetscape Requirements) by:

(A) Changing the required tree planting sizes for the following: "Large maturing tree - One tree per 35 linear feet. The minimum caliper shall be 3 inches at the time of planting. Small maturing tree - One tree per 24 linear feet. The minimum caliper shall be 2½ inches at the time of planting." Change each to read "The minimum caliper shall be 2 inches measured 6 inches above ground at the time of planting."

4 - Amend Chapter 12, Part 2, Section 12.212, Subsection 1(c)(i,ii,iii) (Off-street Parking and Loading - Parking Deck Standards) by:

(A) Replacing (c)(i) and (c)(ii) which reads: "(i) Large maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 3½ inches; (ii) Small maturing trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2½ inches." Replace with one sentence as follows: (c)(i) "Trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting." Change numbering of (c)(iii) to (c)(ii).

5 - Amend Chapter 12, Part 3, Section '2.302, Subsection (9)(a,b) - (Buffers and Screening - Buffer Requirements) by:

(A) Deleting reference to tree size in Subsection (9)(a) and requiring only one tree size in Subsection (9)(b). Existing wording as follows: (9)(a) Forty percent of the required trees within the buffer shall be large maturing trees and have a minimum caliper of 2½ inches, measured 6 inches above the ground at the time of planting: (b) Small maturing trees shall have a minimum caliper of 1½ inches, measured 6 inches above the ground at the time of planting." Change (9)(a) to: "Forty percent of the required trees within the buffer shall be large maturing trees;" and (9)(b) to: "All trees shall have a minimum caliper of 2 inches measured 6 inches above ground at the time of planting;"

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

Attachment #2: ZONING ORDINANCE TREE SIZES OVERVIEW

Problem(s): The minimum size at planting for trees required by the City and County Zoning Ordinance varies from section to section and is inconsistent with Tree Ordinance size requirements It is also confusing for the construction industry to have multiple sizes

	Current		Recommended
Requirement	Small-Maturing Tree	Large-Maturing Tree	Small- or Large-Mat. Tree
Tree Ordinance (Chapter 21)	2"	2"	2"
City / County Zoning Ordinance			
• Buffers (Sec. 12 302)	1½"	2½"	2"
• Parking Decks (Sec. 12.212)	2½"	3½"	2"
• Neighborhood Services Dist. (Sec. 11.507)	2½"	3"	2"
• UMUD (Sec. 9.906)			
Street trees	3"	4"	3 - 3½"
Open Space trees --			
Enclosed	3"	3"	3 - 3½"
Unenclosed	4"	4"	3 - 3½"
County Zoning Ordinance			
• Internal Planting in Parking Lots (Sec. 12.208)	2"	2"	2"

Table 1. Current requirements and recommendations for City and County zoning ordinance tree plantings.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on June 28, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, July 12, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, July 19, 1993.

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-28*
PETITIONER(S):	*George Pittman*
REQUEST:	*Change from 0-6(CD) to 0-2(CD).*
LOCATION:	*Approximately .50 acres located on the northwesterly corner of the intersection of Queens Road and Luther Street.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from one conditional office category to another to accommodate broadened use of the existing structure. The Zoning Committee noted the issues that arose at the public hearing on this petition particularly the potential for problems associated with overflow parking. The petitioner's plans for providing for overflow parking through a nearby facility was viewed as an acceptable solution to the potential problem. The Committee discussed the desirability of further limitations on the permitted uses and during the course of the discussion the petitioner's agent expressed a willingness to limit the permitted use to offices only. It was noted that many of the uses that are not disallowed by the site plan could not be achieved due to the restrictions for preservation of the structure and the amount of available parking. Ultimately, the petition was viewed as appropriate for approval as submitted. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff could view the petition as acceptable in the event that the permitted use is limited to office only.

Petition #: 93-28

Petitioner: George W. Pittman **Hearing Date:** June 21, 1993

Zoning Classification (Existing): 0-6(CD)

Zoning Classification (Requested): 0-2(CD)

Location: Approximately .50 acres located on the northwest corner of the intersection of Queens Road and Luther Street.

Zoning Map #(s): 111 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-30*
PETITIONER(S):	*Michael D. Herndon*
REQUEST:	*Change from 0-2 to I-2(CD) and consideration of an I-2(CD) site plan amendment.*
LOCATION:	*Approximately .46 acres located on the southwest corner of Charles Avenue and Yadkin Avenue.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from an office category to a conditional industrial district and a site plan amendment to accommodate an expansion of the existing sheet metal fabrication facility. The petition is not strictly in conformance with land use plans for the area. However, the proposed site plan is superior to the existing site plan due primarily to the addition of property that provides more space for on-site vehicle maneuvering. The plan also provides additional plantings and tree preservation. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

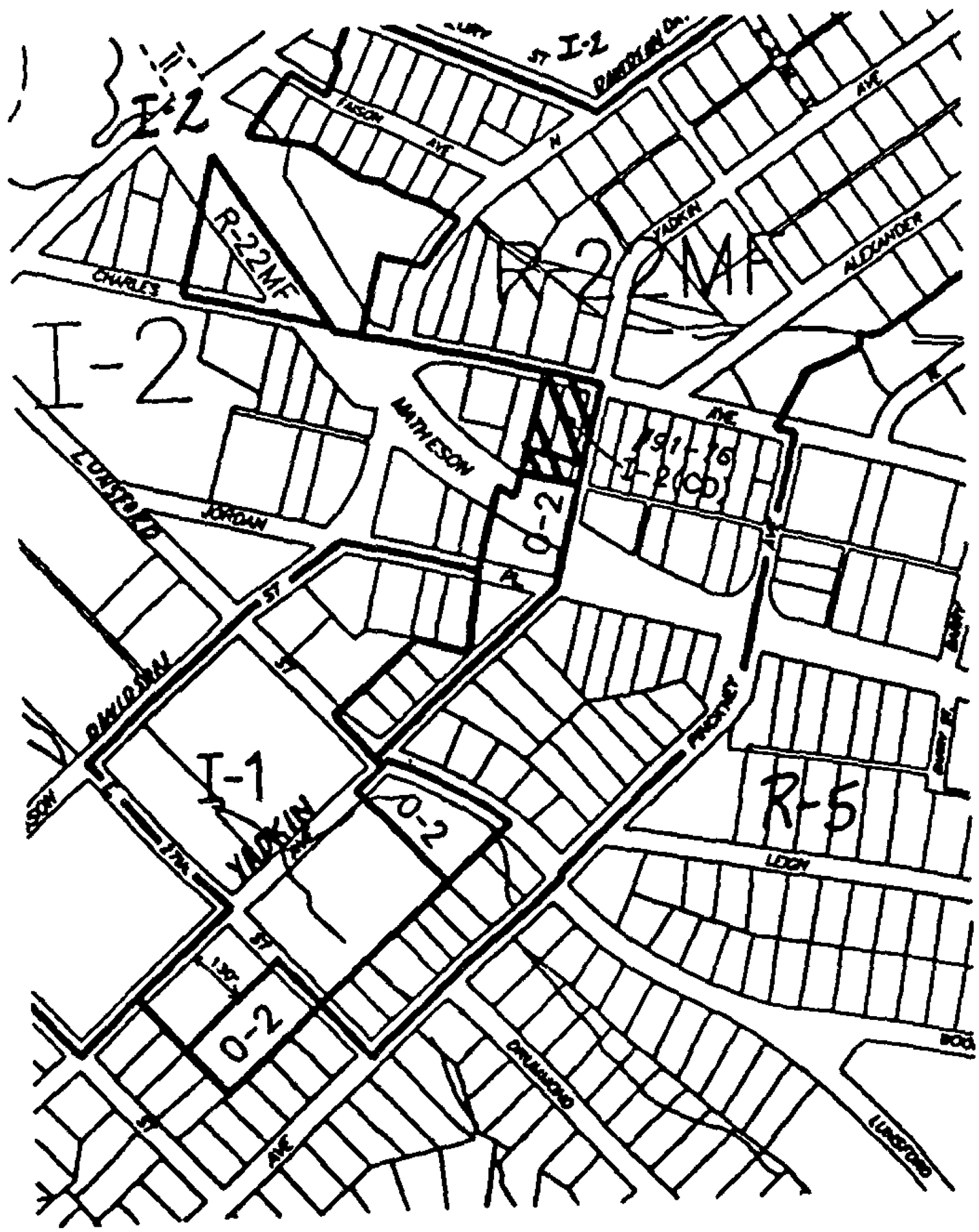
Petition #: 93-30

Petitioner: Michael D. Herndon **Hearing Date:** June 21, 1993

Zoning Classification (Existing): O-2 & I-2(CD)

Zoning Classification (Requested): I-2(CD) & I-2(CD) Site Plan Amendment

Location: Approximately .46 acres located on the southwest corner of Charles and Yadkin Avenues.



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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-31*
PETITIONER(S):	*NationsBank of North Carolina*
REQUEST:	*Change from 0-15(CD) to B-1(CD).*
LOCATION:	*Approximately .86 acres located on the southerly corner of University City Boulevard (Highway 49) and Mallard Creek Church Road.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from a conditional office category to a conditional business classification to allow redevelopment of the property for a book store. The petition's inconsistency with land use plans for the area was noted as was the large amount of property nearby zoned for commercial or industrial purposes. However, it was also noted that the property has been on the market for a number of years and the proposed use is viewed as far more acceptable than other commercial uses. It was noted that the one commercial use allowed by the site plan is a bookstore, and otherwise the property is limited to office uses. A bookstore was viewed as a logical use in this location due to the relationship to the University. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff views the introduction of commercial zoning on this side of Mallard Creek Church Road as unnecessary in order to provide opportunities for commercial ventures in the University area.

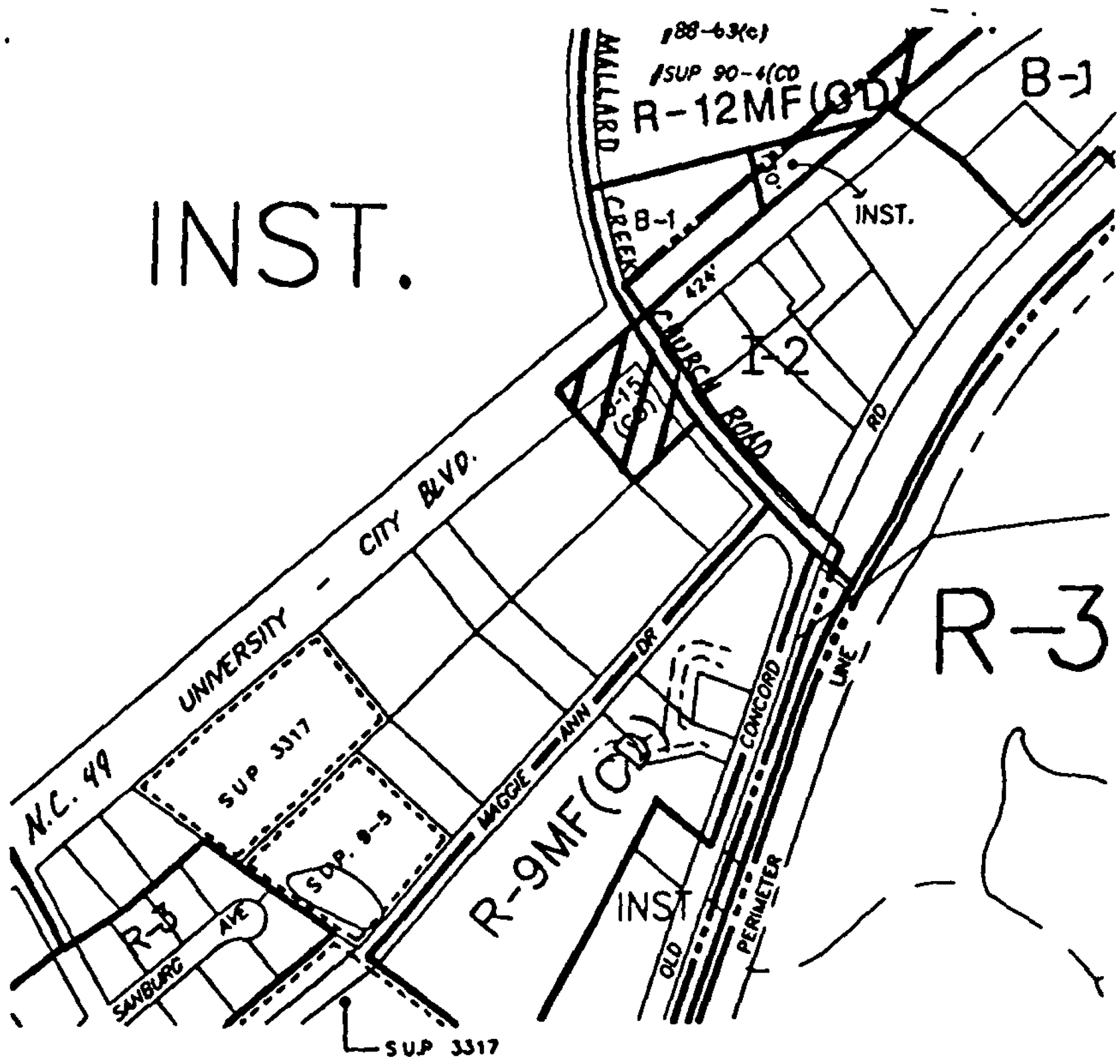
Petition #: 93-31

Petitioner: Nations Bank of North Carolina **Hearing Date:** June 21, 1993

Zoning Classification (Existing): O-15(CD)

Zoning Classification (Requested): B-1(CD)

Location: Approximately .86 acres located on the southwest corner of University City Boulevard (NC Hwy. 49) and Mallard Creek Church Road.



Zoning Map #(s): 57 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-32*
PETITIONER(S):	*McClure Real Estate and Investment, Inc.*
REQUEST:	*Change from R-4, B-1, and B-2 to B-1(CD) and 0-1(CD).*
LOCATION:	*Approximately 2.09 acres bounded by Belhaven Boulevard and Valleydale Road south of McClure Circle.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from a combination of commercial and residential categories to a combination of commercial and office categories. Land use plans for the area do not specifically envision additional nonresidential development south of the existing zoning between Valleydale Road and Belhaven Boulevard. However, the conditional site plan which accompanies this petition replaces a general business category with a neighborhood business category and provides for the redevelopment of an abandoned structure. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

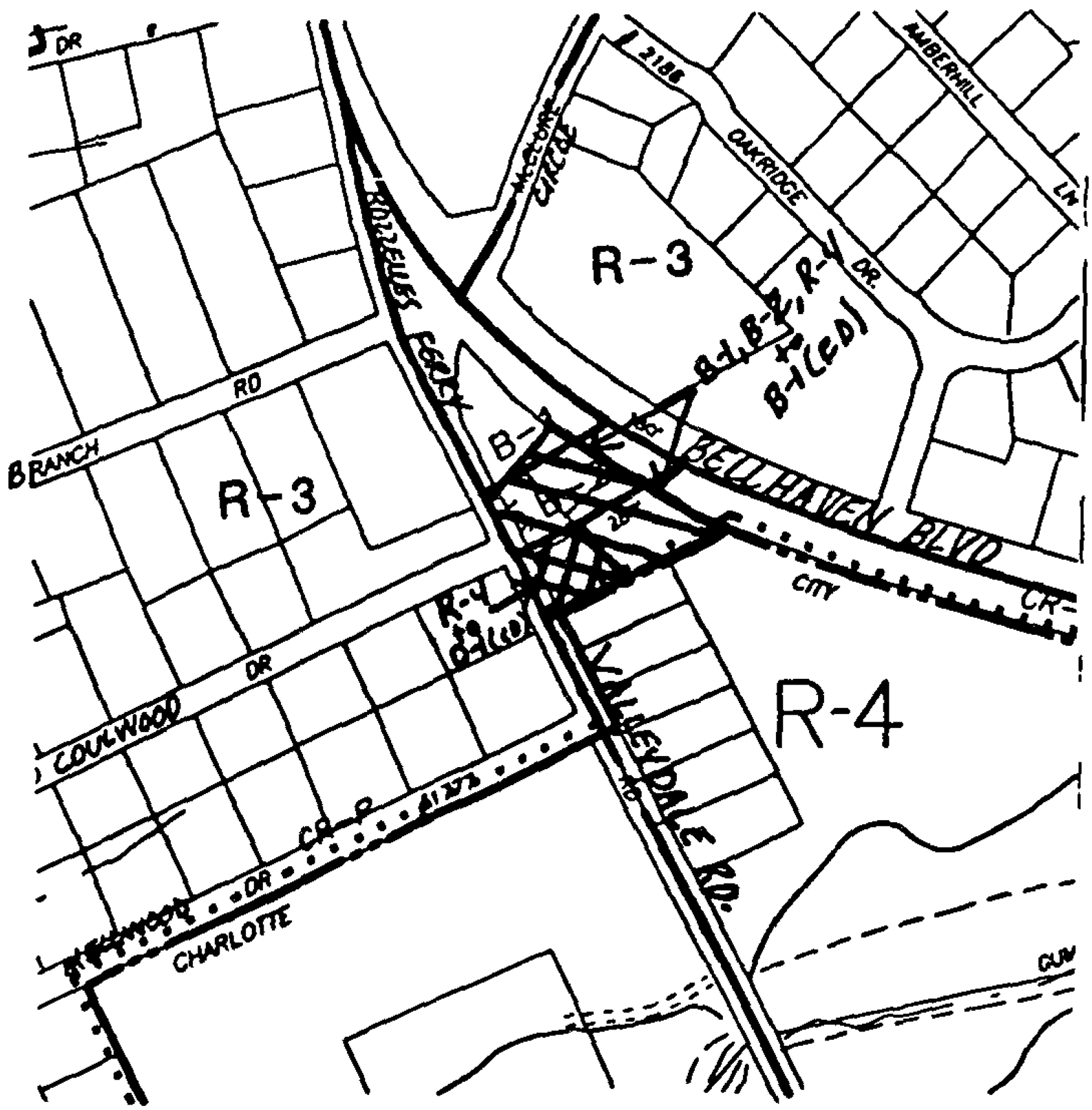
Petition #: 93-32

Petitioner: McClure Real Estate & Investments, Inc. **Hearing Date:** June 21, 1993

Zoning Classification (Existing): R-4, B-1, & B-2

Zoning Classification (Requested): B-1(CD) & O-1(CD)

Location: Approximately 2.09 acres bounded by Belhaven Boulevard and Valleydale Road, south of McClure Circle.



Zoning Map #(s): 62

Scale: 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-33*
PETITIONER(S):	*Public Library of Charlotte and Mecklenburg County*
REQUEST:	*Change from I-1 to B-1.*
LOCATION:	*Approximately .57 acres located at the end of Alleghany Street (formerly Ledwell Street) and adjacent to Freedom Village Shopping Center (Public Library - West Branch).*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from the light industrial category to the neighborhood business district to accommodate conversion of the existing structure from a public library branch to a public school facility. Plans for the area recognize a mixture of uses as appropriate. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-33

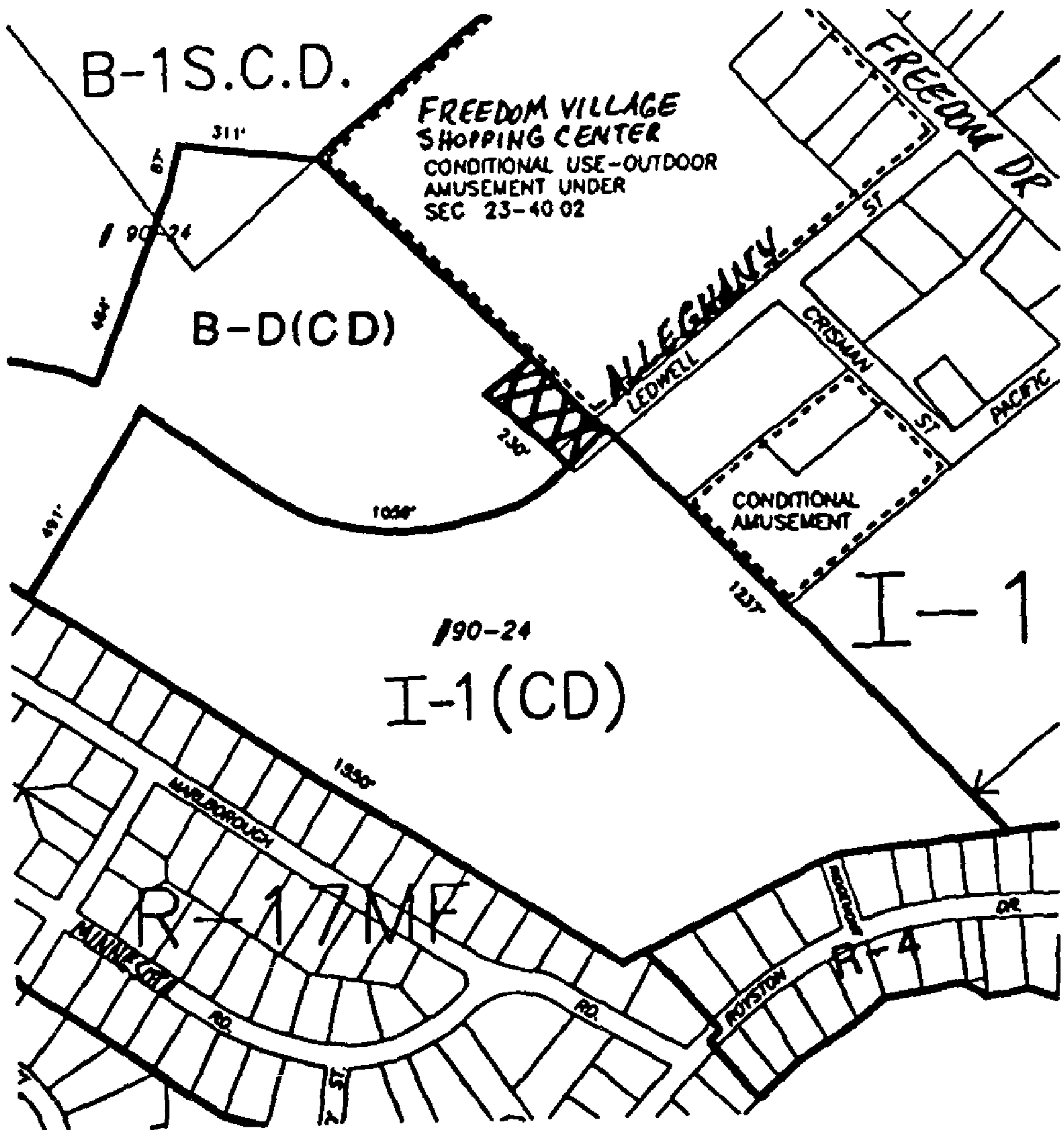
Petitioner: Public Library of Charlotte and Mecklenburg County

Hearing Date: June 21, 1993

Zoning Classification (Existing): I-1

Zoning Classification (Requested): B-1

Location: Approximately 0.57 located at the end of Alleghany Street (Formerly Ledwell Street) adjacent to Freedom Village Shopping Center (Public Library - West Branch).



Zoning Map #(s): 87

Scale: 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

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Members, City Council
Charlotte, North Carolina

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-34*
PETITIONER(S):	*Mr. & Mrs. J. Steven Neal*
REQUEST:	*Consideration of an I-2(CD) site plan amendment.*
LOCATION:	*Approximately 34.7 acres located on the northerly side of Starita Road north of I-85.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes a site plan amendment that represents a change in the original concept of an industrial/office park composed of a number of offices, manufacturers, or other facilities located along an internal public street in favor of a proposed truck terminal and associated truck driver training facility. The revised concept is consistent with publicly adopted plans and policies for the area which envision heavy industrial and office land uses in the area. The Zoning Committee noted that the outstanding traffic issues have been resolved and view the petition as appropriate for the area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

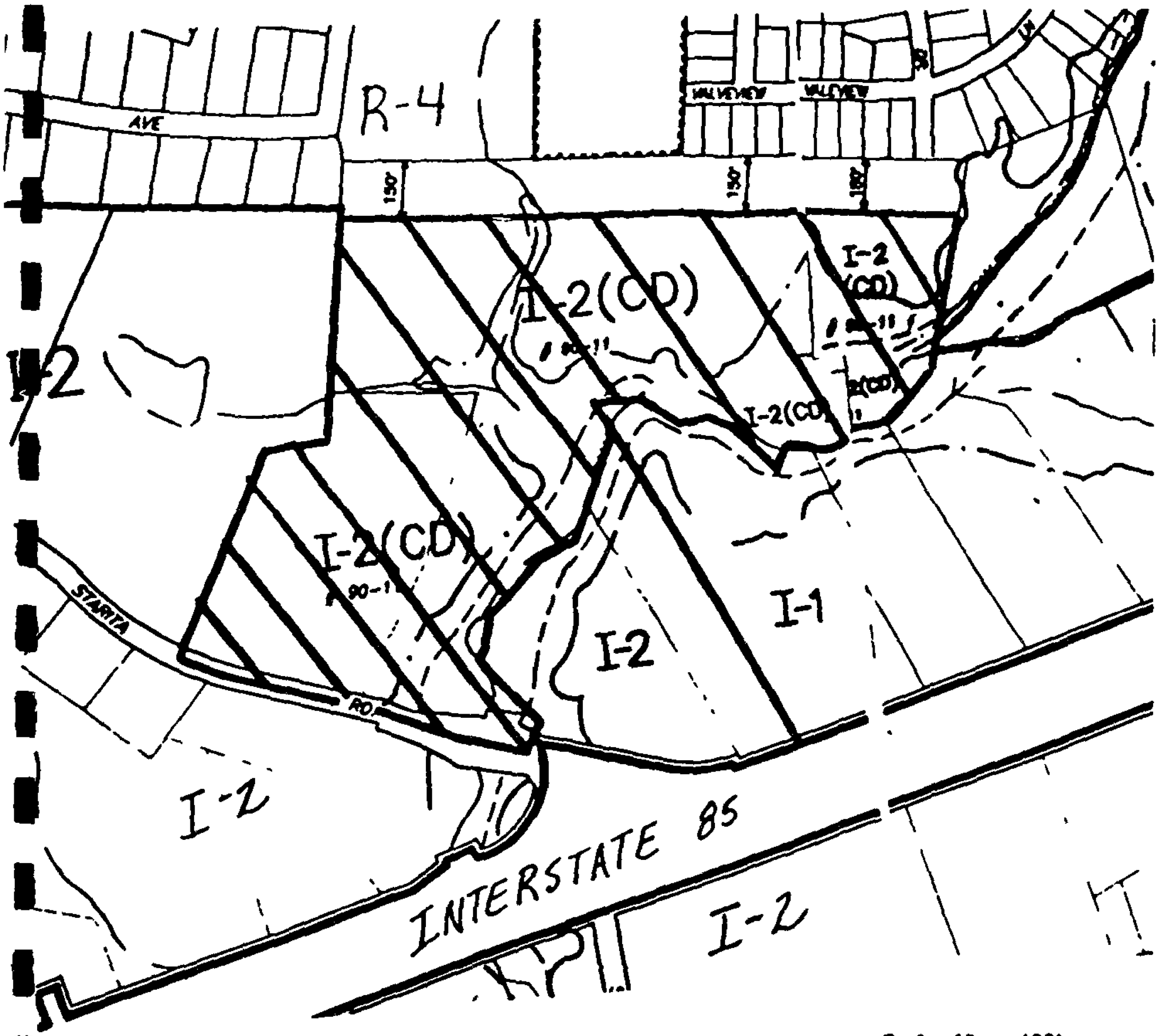
Petition #: 93-34

Petitioner: *Mr. & Mrs. J. Steven Neal* **Hearing Date:** June 21, 1993

Zoning Classification (Existing): *I-2(CD)*

Zoning Classification (Requested): Consideration of an I-2(CD) Site Plan Amendment.

Location: Approximately 34.7 acres located on Starita Road north of I-85.



Zoning Map #(s): 69, 79 **Scale:** 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

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Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-35*
PETITIONER(S):	*The Foundation of the University of North Carolina at Charlotte, Inc. & The Crosland Group.*
REQUEST:	*Change from CC to 0-1(CD) and consideration of a CC site plan amendment.*
LOCATION:	*Approximately 77.4 acres located on the northeasterly corner of the intersection of University City Boulevard (N.C. 49) and W. T. Harris Boulevard.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*Fenning.*
Absent:	*None.*

REASONS

This petition proposes a rezoning from a commercial district to a conditional office category and a site plan amendment in order to replace the previously approved 540,000 square foot retail concept with a mixture of 400,000 square feet of retail and 140,000 square feet of office development. The Zoning Committee discussed the proposed office component and several members noted that they had anticipated at least some multi-family residential to be incorporated.

MINORITY OPINION

The minority opinion noted that the revision should have included a residential component rather than the proposed office component.

MAJORITY OPINION

The majority of the Zoning Committee viewed the petition as appropriate in that it carries forward the petitioner's earlier commitment to revise the previously approved concept to decrease the amount of allowable retail square footage in favor of an office component. Therefore, the Zoning Committee recommends that the petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-35

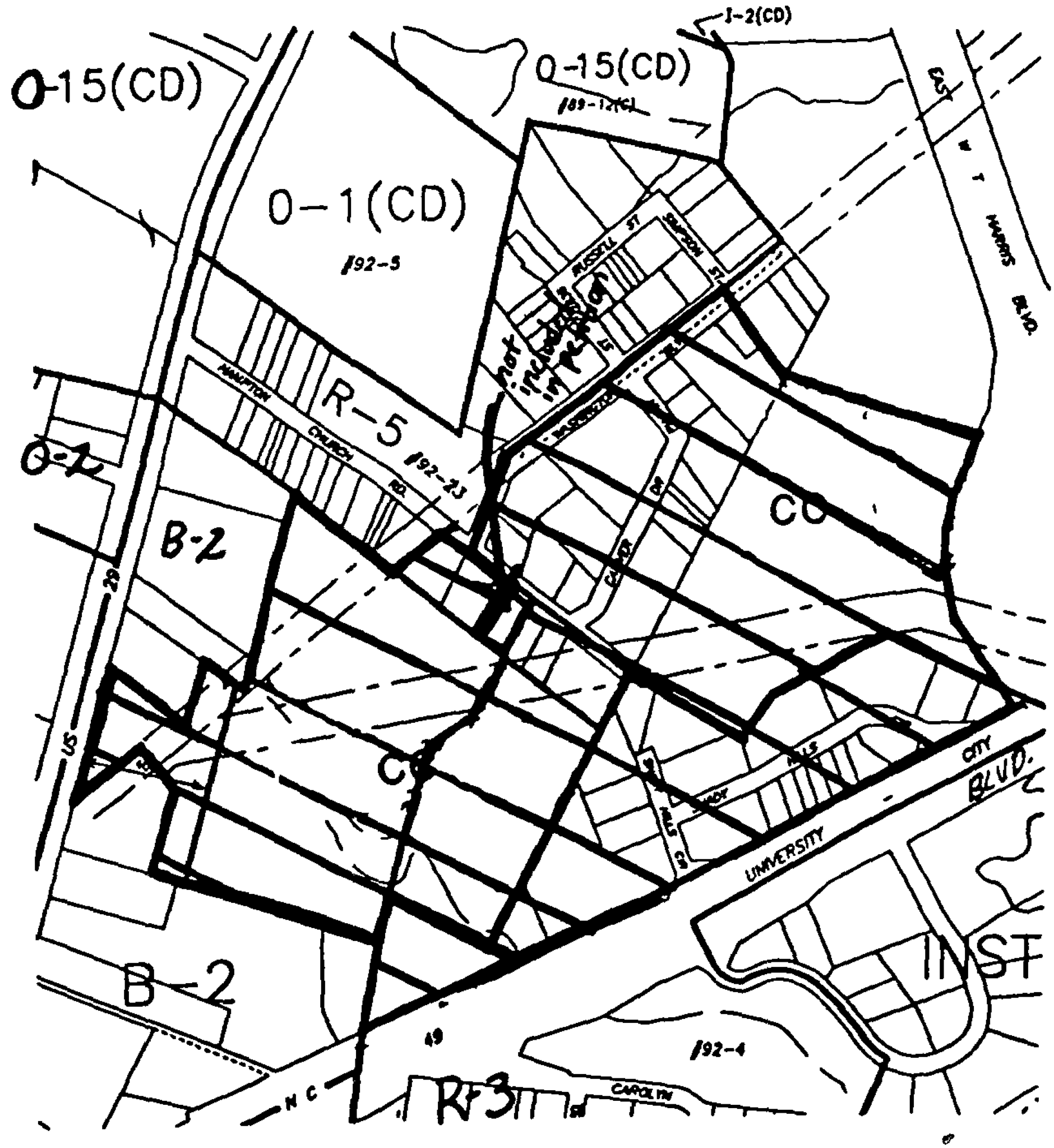
Petitioner: The Foundation of the University of North Carolina at Charlotte, Inc. and The Crosland Group, Inc.

Hearing Date: June 21, 1993

Zoning Classification (Existing): CC

Zoning Classification (Requested): O-1(CD) and CC Site Plan Amendment

Location: Approximately 77.4 acres located on the northeast corner of the interchange of University City Boulevard (NC Hwy. 49) and W.T. Harris Boulevard.



Zoning Map #(s): 71

Scale: 1" = 400'

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

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Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-36*
PETITIONER(S):	*Charlotte-Mecklenburg Board of Education*
REQUEST:	*Consideration of an amendment to the City of Charlotte Zoning Ordinance to create special provisions for the placement of mobile classrooms at existing non-conforming elementary and secondary schools.*
ACTION:	*The Zoning Committee recommends that this petition be approved, as modified.*
VOTE: Yeas:	*James, Jones, Fenning, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes special provisions to accommodate a limited amount of additional mobile classrooms at existing non-conforming elementary and secondary schools and a temporary stay of the associated buffer requirements. The Zoning Committee discussed the petition for some time noting that the bigger issue of institutional uses and in residential districts is still unresolved. The Zoning Committee expressed concern about the proposed buffer provision and viewed it as inadequate. Ultimately, the Zoning Committee viewed the petition as acceptable with a modification that the buffer requirements would be imposed on all mobile classrooms if there are any mobile classrooms added to a site. After lengthy discussion, the one year grace period on the buffer installation was ultimately viewed as acceptable. The Zoning Committee added a proviso that the larger issue of institutional uses in residential districts needs to be discussed in the appropriate forum.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition No. 93-36
Petitioner: Charlotte-Mecklenburg Board of Education

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 Chapter 9 by:

(A) Adding the following to Part 2: SINGLE FAMILY, Section 9.203. Uses permitted under prescribed conditions. (7) Elementary and secondary schools:

(d) Subsection 7(b) and 7(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not exceed more than fifty percent of the school's total existing classrooms.

(B) Adding the following to Park 3: MULTI-FAMILY DISTRICTS, Section 9.303. Uses permitted under prescribed conditions. (10) Elementary and secondary schools:

(d) Subsections 10(b) and 10(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not exceed more than fifty percent of the school's total existing classrooms.

(e) The requirements of Section 12, Part 3: Buffers and Screening will not apply to the placement of mobile classrooms at any school for a period of one year from the date of the issuance of a certificate of occupancy for the mobile classrooms. However, after one year all applicable Buffer and Screening requirements must be fully complied with unless the subject mobile classrooms have been removed. A Letter of Compliance as required by Section 12.306 must be provided at the time of the issuance of the Certificate of Occupancy for the mobile classroom acknowledging this provision. Mobile classrooms may not be placed within any area which would be used to meet the buffer requirement.

2. Amend Section 12.301 by deleting the last sentence and by substituting in its place the following revised sentence:

These provisions will not apply to developments in the UMUD, UI, UR, RE-1, RE-2 and NS districts or to certain development on school sites as provided for in Section 9.203(7)(e) and 9.303(10)(e).

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

Approved as to form:

_____

City Attorney

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

_____

Brenda Freeze, City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

July 1, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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

Respectfully submitted,

Anne J. McClure (LS)

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

AJM:mlj

Attachments

DATE:	*June 28, 1993*
PETITION NO.:	*93-37*
PETITIONER(S):	*Habitat for Humanity*
REQUEST:	*Change from I-2 to R-5.*
LOCATION:	*Several parcels located along the southwesterly side of Van Every Street generally extending from Harrill Street to Pegram Street.*
ACTION:	*The Zoning Committee recommends that this petition be approved.*
VOTE: Yeas:	*Fenning, James, Jones, McClure, Tabor, and Whelchel.*
Nays:	*None.*
Absent:	*None.*

REASONS

This petition proposes rezoning from a heavy industrial district to a single family residential category in an area in which publicly adopted plans call for additional residential opportunities. The Zoning Committee viewed the petition as appropriate and applauded the efforts to create additional housing opportunities in the area. It was also noted, however, that Habitat for Humanity structures sometimes do not conform to established single family residential neighborhoods and often resemble manufactured homes. Ultimately, however, it was noted that that is not an issue connected to this petition. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-37

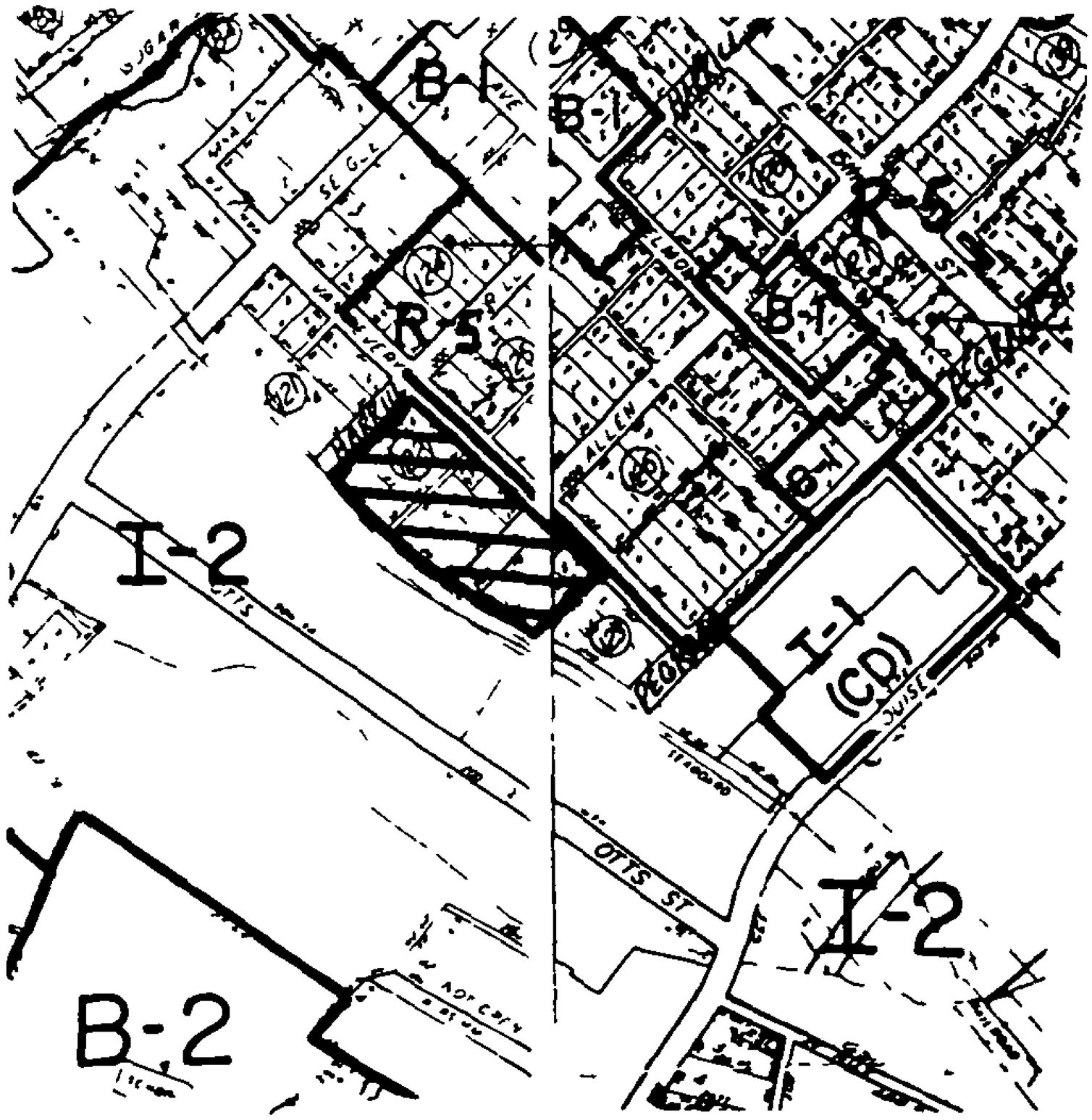
Petitioner: Habitat for Humanity of Charlotte, Inc.

Hearing Date: July 19, 1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): R-5

Location: Several parcels located along the southwesterly side of Van Every Street, generally extending form Harrill Street to Pegram Street.



Zoning Map #(s): 101, 102

Scale: 1" = 400'