AGENDA

Meeting Type:	B
Date.	06-15-1992
SUBJECT	

City of Charlotte, City Clerk's Office

Zoning Meeting 6/15/92

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

6:20

Ella Scarborough - Invocation

Vinroot

Martin / Wheeler - Defer #7, #11, #12, #14, #16, + #17 - tenan.

Ann McClure 6/22 8:30 A.M.

Vinroot - Explanation of procedure

#1 - 92-28

Walter Fields

Hammond
Fields
Hammond-
Clodfelter
Fields
Martin
Fields
Martin
Fields
Martin
Citizen
Juliet Williams - Petitioner
Scarborough
Ms. Williams
Majeed
Williams
Majeed
Williams
Martin
Williams
Craig Isaac
Majeed
Isaac
Vinroot
Martin

Isaac
Hammond
Isaac
Hammond
Williams
Majeed
Williams
Majeed
Isaac
Majeed
Williams
Hammond / Wheeler Close Hosp. Man.
Winroot
#2 92-32
Fields
Winroot
Bryant - 3 mid
Clodfelter
Bryant
Clodfelter
Bryant
Clodfelter
Bryant
Mangum

Bryant
Martin
Bryant
Joe
Bryant
Joe
Bryant
Wheeler / Hammond Case Hung-Unan.

8525 Dun

#3 92-33
Fields
Bob Young
Clodfelter / Martin Case. Hung-Unan.
Vinroot
#4 - 92-34
Fields
Vinroot
Bob Sims -
Vinroot
Sims
D Clodfelter
Fields
Sims
Fields
Margan

Hammond / Patterson - Clse Hrng. - Tues.
#5 - 92-44 Vinroot
Fields
Yes
Hammond / Sear Clse Hrng. - Tues.

#6 - Vinroot
Mangum / Sear Delay until we decide what we're going to do with the facility -
Clodfelter
Underhill - no limitation
Hammond - support designation
Subst. Ham / " : Approve
Vinroot No second
Majeed
Hammond
Vinroot
VOTE on Denial No - Hammond

#8 92-11 Vinroot
Scarborough
Vinroot - Clod / Martin excuse
Vinroot
Scarborough /
Vinroot No I don't need to be excused

8-1 Scar / Wheeler
Part 1 - Deny Dibson - S.
VOTE - Unan

8-2 Scar / - Whe
Part 2 - Recommendation
Unan.

Scarborough / Martin - Deny Rezoning
Part 3
Fields - Orig. Recommendation was for R-4 - PLANNING NOW RECOMMENDS R-17MF - IF R-4 NOR R-17MF WILL REMAIN OFFICE
Scarborough
Subst. Cloodfelter / Wheeler
Part 3 Rezone to R-4
McCrory
VOTE - FAILED - DID NOT GET 9 VOTES 8-4
NO - Martin, McCrory, Reid, Vincent
Scarborough - Withdrew original motion
Vincent
Cloodfelter - Moved recommendation of Planning
Scarborough - enough MF - to R-4 - withdrew original motion
Martin
Majeed
Vincent
Martin
McCrory / Reid
Planning Recommendation
Agg ~~[illegible]~~ R-17MF

Clodfelter
McCrory
Clodfelter - We play game on ourselves
McCrory - Planning recommended MIF
Clodfelter -
McCrory -
~~Subst. Mangum / Mixed R-4~~
VOTE on R-17 MF Deny McCrory & Reid - YES - MCCRORY, REID, VINROOT
FAILED 9-3.
Vinroot -
Martin / Wheeler RECONSIDER R-4 -

NO - McCrory, Reid - PART 3 REZONED TO R-4

#8 - (4)
Scarborough / Martin Deny R-17MF.
Part 4
Subst McCrory / Reid App R-17MF
Vinroot
Clodfelter different land use
Scarborough - Can do good single family
Clodfelter
Scarborough
Vinroot
Mangum -
VOTE - Substitute - FAILED 8-4 - MUST HAVE 9
NO - Scar, Can, Mar, Mixed

FAILED - MUST HAVE 8-4

VOTE - Orig - Yes - Scarborough, Wheeler, Martin
Majeed - Stays Office

#9 Wheeler / Martin Deny

Patterson
Hammond

Subst. Hammond / Scarborough ~~Defer~~

~~Table~~ Pull retail together + get a look at what we have.

~~McCrory~~
~~Subst Campbell / Wheeler Deny~~
NOT NEEDED

Martin
Clodfelter
Majeed
Wheeler
Hammond
Fields
McCrory
Vinroot
Hammond
McCrory
Reid
Fields
Reid
Patterson - Pre-meeting presentation next month
Vinroot
Mangum

Vinroot -

VOTE - Deny - 9-3

NO - Scarborough, Hammond, Mangum

Clodfelter

Hammond

Clodfelter

Patterson

Hammond

Fields - July Dinner Presentation

Hammond

Vinroot -

Fields

#10 92-23

Clod

Majed

Underhill

Majed / Campbell - Deny remainder

McCrory

Hammond

Majed

Hammond

Fields

Majed -

Mangum

Scarborough - Tape 2

Hammond
Subst. Hammond / Mang R-5
VOTE -
YES Han / Mang

Deny -
No Mang, Hamm

#13 Hammond / Patterson App
Unan.

#15 Wheeler / Hammond - App

#18 - 21 Coolfelter / Wheeler App.
Unan.

White

Mangum / Wheeler Adjourn
7:50 p.m.

MAYOR'S SCHEDULE
June 15, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Darryl Canady, Associate Minister Friendship Baptist Church.

2. Announcements

Tuesday, June 16,	12:00 Noon	City/County/School Board Luncheon in Conference Center - City hosting.
Wednesday, June 17,	4:00 p.m.	Public Safety Committee in Meeting Chamber Conference Room.
Thursday, June 18,	7:30 a.m.	City Manager's Evaluation in Meeting Chamber Conference Room.
	3:30 p.m.	Planning Committee in Room 270; Central Distract Plan.

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

A) Agenda Item No. 1 - Hearing on Petition No. 92-28

(1) Julie Williams, 1707 Rice Planters Road - 588-4818 - FOR

(2) Craig Isaac, 1234 East 34th Street - 358-1365 - AGAINST

92-32 & 92-33 → D) ~~B)~~ Agenda Item No. 4 - Hearing on Petition No. 92-34

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.

B) AGENDA ITEM #2 - 92-32
✓ (1) FRED BRYANT - FOR

C) AGENDA ITEM #3 - 92-33
✓ (1) BOB YOUNG - FOR

CHARLOTTE

Meetings in June '92

THE WEEK OF JUNE 1 - 5

1, Monday

12:00 Noon — **PLANNING COMMISSION** - CMGC, 8th Floor Conference Room

3:30 p.m. — **CITY COUNCIL PERSONNEL & FINANCE COMMITTEE** - CMGC, Room 271

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

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

4, Thursday

3:30 p.m. — **CITY COUNCIL PLANNING COMMITTEE** - CMGC, Room 270

THE WEEK OF JUNE 8 - 12

8, Monday

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

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

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

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

9, Tuesday

2:00 p.m. — **HOUSING AUTHORITY** - Administative Office, 1301 South Boulevard

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

4:00 p.m. — **AIRPORT ADVISORY COMMITTEE** - Airport, Main Terminal, Conference Room A

5:00 p.m. — **BUDGET WORKSHOP (Optional)** - CMGC, Meeting Chamber Conference Room

10, Wednesday

7:30 a.m. — **PLANNING COMMISSION/First Ward Committee** - CGMC, 8th Floor Conference Room

8:00 a.m. — **CLEAN CITY COMMITTEE** - CMGC, Conference Room 270

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

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

3:30 p.m. — **CLEAN CITY COMMITTEE/Business Beautification Awards** - CMGC, Conference Room 271

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

11, Thursday

3:30 p.m. — **CITY COUNCIL PLANNING COMMITTEE** - CMGC, Conference Room 270

4:00 p.m. — **CHARLOTTE-MECKLENBURG ART COMMISSION** - CMGC, 8th Floor Conference Room

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte, NC 28202-2861

704/336-2395

THE WEEK OF JUNE 15 - 19

15, Monday

4:00 p.m. **PRIVATE INDUSTRY COUNCIL/Long Range Planning** - CMGC, Room 119

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

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

16, Tuesday

12:00 Noon **CITY COUNCIL, COUNTY COMMISSION, SCHOOL BOARD LUNCHEON** - CMGC, Conference Center

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

18, Thursday

3:30 p.m. **CITY COUNCIL PLANNING COMMITTEE** - CMGC, Room 270

19, Friday

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

THE WEEK OF JUNE 22 - 27

22, Monday

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

4:30 p.m. **PLANNING COMMISSION/Zoning Work Session** - 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)

23, Tuesday

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

2:00 p.m. **CMUD ADVISORY COMMITTEE** - Charlotte-Mecklenburg Utility Dept., 5100 Brookshire Blvd.

24, Wednesday

7:45 a.m. **PRIVATE INDUSTRY COUNCIL** - CMGC, Room 118

8:30 a.m. **CIVIL SERVICE BOARD/Hearing** - CMGC, Room 118

5:00 p.m. **PLANNING COMMISSION/Quasi Judicial Hearing-Subdivision Variance** - CMGC, 8th Floor Conference Room

25, Thursday

3:30 p.m. **CITY COUNCIL PLANNING COMMITTEE** - CMGC, Room 270

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

5:00 p.m. **PLANNING COMMISSION/Quasi Judicial Hearing-Subdivision Variance (Continued)** - CMGC, 8th Floor Conference Room

JUNE 29 - 30

30, Tuesday

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

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

1:00 p.m. **ZONING BOARD OF ADJUSTMENT** - Hal Marshall Ctr., 700 N. Tryon St., Bldg. Standards Training Room

-30-

These organizations will not meet in June:
Advisory Energy Commission
Div. of Insurance & Risk Mgmt.
Firefighters Retirement Board
Parade Permit Committee
Youth Involvement Council

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, June 15, 1992

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

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

Invocation by Rev. Darryl Canady, Associate Minister Friendship Baptist Church.

ITEM NO.

PUBLIC HEARINGS

1. (92-28) Hearing on Petition No. 92-28 by Juliet Williams for a change in zoning from B-1 to B-2(CD) for an 18,601 square foot parcel located on the southeasterly corner of The Plaza and Shamrock Drive.

Attachment No. 1

Hammond/Wheeler
Close Hrng.
Unan.

2. (92-32) Hearing on Petition No. 92-32 by Harry G. Kostopoulos & Pete Kanellopoulos for a change in zoning from R-3 to B-1(CD) and R-3(CD) for approximately 3.6 acres located on the north side of Albemarle Road, east of Jamison Place Drive.

Attachment No. 2

Wheeler/Hammond
Close Hrng.
Unan.

3. (92-33) Hearing on Petition No. 92-33 by Ruth P. Flowe for a change in zoning from I-2 to I-1 for approximately .317 acres located at 2461 Wilkinson Boulevard east of Remount Road.

Attachment No. 3

Clodfelter/Martin
Close Hearing
Unan.

4. (92-34) Hearing on Petition No. 92-34 by Charlotte-Mecklenburg Planning Commission for a change in zoning from I-1 to B-1 for 6.3 acres located on the west side of York Road, just north of Sandy Porter Road, in accordance with the Southwest District Plan adopted by City Council in November, 1991.

Hammond/ Patterson Close Hearing Unan.

Attachment No. 4 PROTEST SUFFICIENT

5. (92-44) Hearing on Petition No. 92-44 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to make provisions for the "cancellation by surrender" or "termination" of previously approved Special Use Permits.

Hammond/ Scarborough Cls. Hear. Unan.

Attachment No. 5

DECISIONS

6. Decision on the designation of the Charlotte Coliseum (original) and Ovens Auditorium, (specifically, the entire interior and entire exterior of the original Charlotte Coliseum and the entire exterior of Ovens Auditorium) located at the intersection of Independence Boulevard East and Coliseum Drive, Charlotte, North Carolina as historic landmarks.

Morgan Acc. Perry 10-1 No Hammond

The Historic Landmarks Commission judges that the property known as the Charlotte Coliseum (original) and Ovens Auditorium does possess special significance in terms of Charlotte-Mecklenburg. The Commission bases its judgment on the following considerations:

1) The construction of the Charlotte Coliseum (original) was completed in 19~~6~~53 to provide the first single-purpose sports facility in the area.

2) The construction of Ovens Auditorium, also completed in 19~~6~~55, provided the optimum facility for seating 2,500 people for theatrical productions.

3) The construction of the Charlotte Coliseum (original) and Ovens Auditorium was the culmination of an intense fifteen year promotional effort by civil and political leaders.

4) The Charlotte Coliseum (original), designed by Odell and Associates, was the largest free-span dome in the world at the time it was built.

5) The Charlotte Coliseum (original) was important for its pioneering architectural design.

6) The Charlotte Coliseum (original) and Ovens Auditorium fostered major economic growth of the city at large and Independence Boulevard in particular.

7) The Charlotte Coliseum (original) and Ovens Auditorium housed a large variety of events that entertained and enriched the citizens of the City of Charlotte, Mecklenburg County and the region.

The Mecklenburg County Tax Administrator states that the subject property is exempt from property taxes. (Letter attached).

The Department Review process revealed no conflict between the proposed designation and other City projects except for comments regarding a future right-of-way.

Consider adoption of an ordinance designating the Charlotte Coliseum (original) and Ovens Auditorium, specifically, the entire interior and entire exterior of the original Charlotte Coliseum and the entire exterior of Ovens Auditorium and the entire tract of land upon which they sit as historic landmarks.

Attachment No. 6.

7. (92-5) Decision on Petition No. 92-5 by Realfin, Inc., for a change in zoning from Institutional to O-1(CD) for approximately 16.2 acres located on the east side of U. S. 29 at McCullough Drive.

Martin/Wheeler Defer Items 7, 11, 12, 14, 16 + 17 30 days unan.

A motion to deny this petition resulted in a 3 to 3 tie vote by the Zoning Committee. A subsequent motion to approve the petition also resulted in a 3 to 3 tie vote. Therefore, no recommendation was given and this petition is deferred to the next zoning Committee work session on June 22.

Attachment No. 7

8. (92-11) Decision on Petition No. 92-11 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-1 to R-17MF and R-4 for approximately 165 acres located south of Archdale Drive between I-77 and Old Pineville Road.

Scarborough Wheeler Deny unan. Part 1

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

This petition was deferred at the April 20 Meeting and May 18 Meeting.

Part 2 Scarb/Wheeler Deny unan. mins

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

Zoning Agenda for June 15, 1992

Item No. 10, Petition No. 92-23

On May 26, 1992, Council denied the R-5 rezoning request with respect to the Wyatt Property, which will remain Institutional. The highlighted portion on the map is the area that was deferred to the June 15, 1992 Zoning Meeting. The remainder of the petition was rezoned to R-5.

Council is now asked to make a decision on the remainder of the petition which is highlighted. The requested rezoning is from Institutional to R-5.

The Zoning Committee recommends approval of the petition except for the Wyatt Property, which has already been denied.

Also attached is Page 307, from Book 99 of the Minutes for May 26, 1992. The corrected motion in the minutes with reference to Petition No. 92-23 reflects the above denial, deferral and approval. You will be requested to approve these minutes on June 22.

Zoning Agenda for June 15, 1992

Item No. 10, Petition No. 92-23

On May 26, 1992, Council denied the R-5 rezoning request with respect to the Wyatt Property, which will remain Institutional. The highlighted portion on the map is the area that was deferred to the June 15, 1992 Zoning Meeting. The remainder of the petition was rezoned to R-5.

Council is now asked to make a decision on the remainder of the petition which is highlighted. The requested rezoning is from Institutional to R-5.

The Zoning Committee recommends approval of the petition except for the Wyatt Property, which has already been denied.

Also attached is Page 307, from Book 99 of the Minutes for May 26, 1992. The corrected motion in the minutes with reference to Petition No. 92-23 reflects the above denial, deferral and approval. You will be requested to approve these minutes on June 22.

Part 4 Scarborough/Martin Deny R-17MF Subst McCrory/Reid App. R-17MF Vote Subst. FAILED 8-4 No-Scarborough, Martin, Majeed Vote-Orig.-FAILED 8-4 YES-SCARBOROUGH, WHEELER, MARTIN, MAJEED ZONING REMAINS OFFICE

Part 3 Scarborough/Martin Deny Scarborough withdrew motion

Subst Scarborough/Clodfelter/Wheeler App. R-4 Failed 8-4 (NEEDED 9) No-Martin, McCrory, Reid, Vinroot McCrory/Reid App. R-17MF FAILED 9-3 YES-McCrory, Reid, Martin/Wheeler Vinroot Reconsider R-4 Carried 10-2 No-McCrory & Reid

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

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

Ord. #1

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

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

Attachment No. 8

9. (92-22) Decision on Petition No. 92-22 by Charlotte-Mecklenburg Planning Commission (Northeast District Plan) for a change in zoning from B-1SCD and B-2 to R-12MF for approximately 77.7 acres located on the northwesterly side of U. S. 29 East of Carley Boulevard (University Place).

Wheeler/Martin Deny Carried 9-3 No-Scarborough, Hammond, Mangum

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

The Zoning Committee recommends that this petition be denied.

Attachment No. 9

10. (92-23) Decision on Petition No. 92-~~33~~ 23 by Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional to R-5 for approximately 70 acres located between U. S. 29 and Harris Boulevard including properties along both sides of Hampton Church Road.

Majeed/Campbell Deny rezoning portion of this petition. Carried 10-2 No-Mangum, Hammond

Several protest petitions have been filed and are sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property. However, the Wyatts have withdrawn their protest with regard to the Hampton Park Community, but not their own property, thereby requesting their own property remain institutional.

Subst. Hammond/Mangum approve to R-5 Failed 10-2 YES Mangum, Hammond

The Zoning Committee recommends approval of the petition with the exception of the Wyatt Property, and recommends denial of the Wyatt Property.

Attachment No. 10

11. (92-24) Decision on Petition No. 92-24 by Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional and B-1 to R-3 for approximately 147 acres located along the east side of U. S 29 and north side of Mallard Creek Church Road.

Martin/Wheeler Deferred 30 days Unan.

A protest petition has been filed and is sufficient to invoke the 20% rule, only as to the area from B-1 to R-3, requiring affirmative votes of 3/4 of the Mayor and Council Members, not excused from voting, in order to rezone the property.

The Zoning Committee deferred action on this petition to their next work session on June 22.

Attachment No. 11

12. (92-25) Decision on Petition No. 92-25 by McDonald's Corporation for a Text Amendment to the City Zoning Ordinance to change the minimum required off-street parking for restaurants.

Martin/Wheeler Deferred 30 days Unan.

The Zoning Committee deferred action on this petition to their next work session on June 22.

Attachment No. 12

13. (92-26) Decision on Petition No. 92-26 by Sharon Lakes Properties for a change in zoning from O-1 to B-1(CD) for approximately 2.36 acres located on the northerly side of Sharon Lakes Road east of South Boulevard.

Hammond/Patterson App. Unan. Ord. #2

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (92-27) Decision on Petition No. 92-27 by Clayton Properties for a change in zoning from R-4 to R-8(CD) for approximately .88 acres located on the southeast corner of Park Road and Princeton Avenue.

Martin/Wheeler Deferred 30 days Unan.

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

The Zoning Committee deferred action on this petition to their next work session on June 22.

Attachment No. 14

Ord. #3

15. (92-29) Decision on Petition No. 92-29 by Charlotte-Douglas International Airport for a change in zoning from R-3 to I-2 for approximately 18.77 acres located south of Byrum Drive at Piney Top Drive.

Wheeler/Hammond App. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 15

16. (92-30) Decision on Petition No. 92-30 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for 44.7 acres located generally between Monroe Road and Randolph Road, just south of Briar Creek.

Martin/Wheeler Deferred 30 days unan.

The Zoning Committee deferred action on this petition to their next work session on June 22.

Attachment No. 16

17. (92-31) Decision on Petition No. 92-31 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for approximately 29 acres generally located off the north side of Wendover Road west of LaTrobe Drive.

Martin/Wheeler Deferred 30 days Wheeler unan.

The Zoning Committee deferred action on this petition to their next work session on June 22.

Attachment No. 17

Res. #1

18. Recommend adoption of a Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the Thrift Mill including the interior and exterior of the building and the land upon which it sits as historic property.

Clodfelter/Martin App. 18-21 unan.

Res. #2

19. Recommend adoption of a Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of the John W. Sheppard House, including the interior and exterior of the building and the land upon which its sits as historic property.

Res. #3

20. Recommend adoption of a Resolution calling for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission concerning the designation of Charlotte Streetcar No. 85, including the interior and exterior, as historic property.

Draft

21. Recommend adoption of a Resolution calling for public hearings for July 20, 1992, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 92-35, 92-36 and 92-38 through 92-43 for zoning changes.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 1, 1992

Mayor and City Council:

RE: Petitions to be Heard in June, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on June 15, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-28

Petitioner: Juliet Williams

Location: An 18,601 square foot parcel located on the southeasterly corner of The Plaza and Shamrock Drive.

Request: Change from B-1 to B-2(CD).

BACKGROUND

1. Existing Zoning. The petitioned property is zoned B-1. The basic zoning pattern in the nearby area is one of B-1 and B-1(CD) zoning for lots located along the northerly and southerly sides of The Plaza with several O-6(CD) and O-2 lots abutting the frontage properties. The pattern then transitions to R-22MF for properties located both north and south of The Plaza.

2. Existing Land Use. The petitioned property is a vacant structure formerly used as a service station. Adjoining properties along The Plaza are developed with a variety of commercial uses including a dry cleaner, grocery stores, restaurants, and a drug store. Properties located nearby to the north and south of The Plaza are developed predominantly for single family purposes. A multi-family development is located to the east between 35th and 36th Streets.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The plan recognizes existing residential development for properties to the north and south of The Plaza.

   2. Central District Plan (pending). The draft Central District Plan recognizes that there will be pressure in the future to extend strip development along The Plaza. The plan recommends that future additional strip development be discouraged and that there be no intensification of the existing land use patterns.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from B-1 to B-2(CD) to accommodate reuse of the existing facility as retail sales of used automobiles and the preparation of automobiles for sale. The plan indicates one of two existing driveways to The Plaza and one of two existing driveways to Shamrock Drive are to remain. The plan indicates the petitioner will file a rezoning petition to have the property rezoned to B-1 in the event the petitioner ceases operation of the proposed business. As of the preparation of this report, the petitioner is in the process of pursuing variances with the City's Board of Adjustment to allow all existing asphalt/parking to remain

including parking within the required setback, side yard abutting Shamrock Drive, five foot strip along the easterly project edge, and within the required buffer along the rear.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 63-57	B-1 to I-1	Approved	11/14/63
2. 65-116	R-6MF to B-1	Denied	01/04/65
3. 74-54	B-1 to B-2	Denied	01/06/76
4. 79-4	R-6MF to 0-6(CD)	Approved	04/02/79
5. 79-53	B-1 to B-2	Denied	10/15/79
6. 89-72	B-1 & R-6MF to B-1(CD)	Approved	10/18/89

7. Neighborhood. This site falls within the area defined as the Plaza Hills.

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from the neighborhood commercial district to the general business district to accommodate a used car sales facility. The pending Central District Plan is not supportive of intensification of commercial development in the area due to the potential for negative impact on adjoining residential properties. Therefore, from a land use standpoint, this petition is considered inconsistent with public plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the filing of the application. Staff provided technical assistance and discouraged the submittal of the petition. Subsequent to the filing of the petition, staff forwarded a number of site plan concerns and comments to the petitioner.

   2. Departmental Comments. CDOT indicates the site could generate approximately 1,218 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 95 trips per day. This will have a lesser impact on the surrounding thoroughfare system. Outstanding transportation comments include the need for right-of-way dedication along The Plaza in conformance with the street classification system. (It has been noted to the petitioner that in the event the requested variances are denied, a revised site plan will be required which indicates compliance with all zoning regulations).

ISSUES

1. Land Use. This petition raises a significant land use issue. The proposed introduction of the general business district in this location is considered inappropriate for approval. The general business district is more closely associated with the type of setting found on Independence Boulevard. Therefore, from a land use standpoint, this petition is not considered appropriate for approval.

2. Site Plan. As of the preparation of this report, the petitioner is in the process of seeking variances from ordinance requirements related to parking in the setback, the yard adjoining Shamrock Drive, the 5 foot strip adjoining the east edge and the rear edge buffer. The petitioner is also aware that revised site plans will be required in the event the variances are denied. As submitted, the plan does virtually nothing to enhance the physical condition of the property.

CONCLUSION

This petition is not considered appropriate for approval from either a land use standpoint or a site plan standpoint.

*Subject to further refinement following public hearing.

RECEIVED
JUN 1 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

REZONING PETITION NO. 92-28

Petitioner: Julie A. Williams

Location: An 18.601 square foot parcel located on the southeasterly corner of The Plaza and Shamrock Drive.

Request: Change from B-1 to B-2(CD)

This is a letter of response to the Pre-Hearing Staff Analysis. I don't know a lot about the legality of the zoning process. I am trying to learn whats going on as I go through this process. In this letter I would just like to tell you a little about myself, my dream, and how my dream can benefit the community of Plaza Hills.

I am Julie Williams, I'm a Sergeant with the Charlotte Police Department. My husband is Freddie L. Williams, he is a Lieutenant with the Mecklenburg County Sheriff's Department. We have four children and two grandchildren.

Freddie and I will be married 21 years in August of this year. We have always had one dream and that is to one day open a business for ourselves and our children in order to provide a better way of life for them. This is a very simple dream that most Americans have. We've worked very hard over the years. Both of us coming from very poor families, we had only each other to depend upon. I realize that you are aware of the amount of money made by both of us, so you can understand just how long it took us to save enough money in hopes of making this dream of ours come true.

We searched the city that we so dearly love for a very long time for property that we could afford to open a business. That had the amount of space that we needed to sell used cars. All of the property that we looked at over the years were just out of our price range. We'd almost given up when we were fortunate enough to find the property on The Plaza. It was like God sent that property to my family. We purchased the property very excited, not knowing about the zoning laws. We honestly didn't think there would be a problem, because we knew it was a main thouroughfare, that there were a number of other businesses on that street, and because the previous business there was a tire store. Therefore, we purchased that property.

When I went down to get the permit for the building. I found out that I would encounter a lot of problems. I have attemoted to follow all of the procedures required by the city in order to obtain a conditional rezoning so that my family can operate our business. I had a variance hearing on May 26. Which is where I met Randy Goddard, a representative from D.O.T. Randy revised my site plan showing parking that would be exceptable by D.O.T. I will gladly comply with his recommendations. And I will comply with the recommendations of The Variance Committee.

This car lot will be a great improvement over the tire store that was there. as it will be kept much cleaner. I can assure you that there will be no junk cars sitting around the property. We will keep a maximum of 15 cars on the lot as requested by D.O.T. The building will be kept up and will enhance the surrounding businesses. We will operate a very Law abiding business. And will become very involved as a part of that community.

Now I come to you as humble as I know how asking you to help us to keep our dream alive. This is a dream that I believe most of you had before you opened your first business. This process has depleted most of our funds. If we are not awarded this conditional rezoning, our dream dies. We do not have the asset to start over. We have been paying for property since February that we are unable to use. Our children will suffer. We do not plan to quit our jobs. the children would assist with the business. Give us the opportunity.

My family and I thank you in advance for affording us the opportunity to submit this request. I certainly hope that you will understand our plight.

Thank you.

Julie A. Williams

Julie A. Williams

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-28

Date Filed March 2, 1992

Received By MKM

OFFICE USE ONLY

Ownership Information

Property Owner Juliet A. Williams

Owner's Address 3100 The Plaza

Date Property Acquired 12 Feb 92

Tax Parcel Number 093-092-01

Location of Property (address or description) 3100 The Plaza - Garage

Description of Property

Size (Sq. Ft.-Acres) 18,601 Sq. Ft. Street Frontage (ft.) 123 ft.

Current Land Use Vacant

Zoning Request

Existing Zoning B-1 Requested Zoning B-2 (CD)

Purpose of Zoning Change Rezoned for Auto Sales & Service

Name of Agent

Agent's Address

Telephone Number

Juliet A. Williams
Name of Petitioner(s)

1707 Rice Planters Rd
Address of Petitioner(s) 28210

588-4818
Telephone Number

Juliet A. Williams
Signature

Signature of Property Owner
if Other Than Petitioner

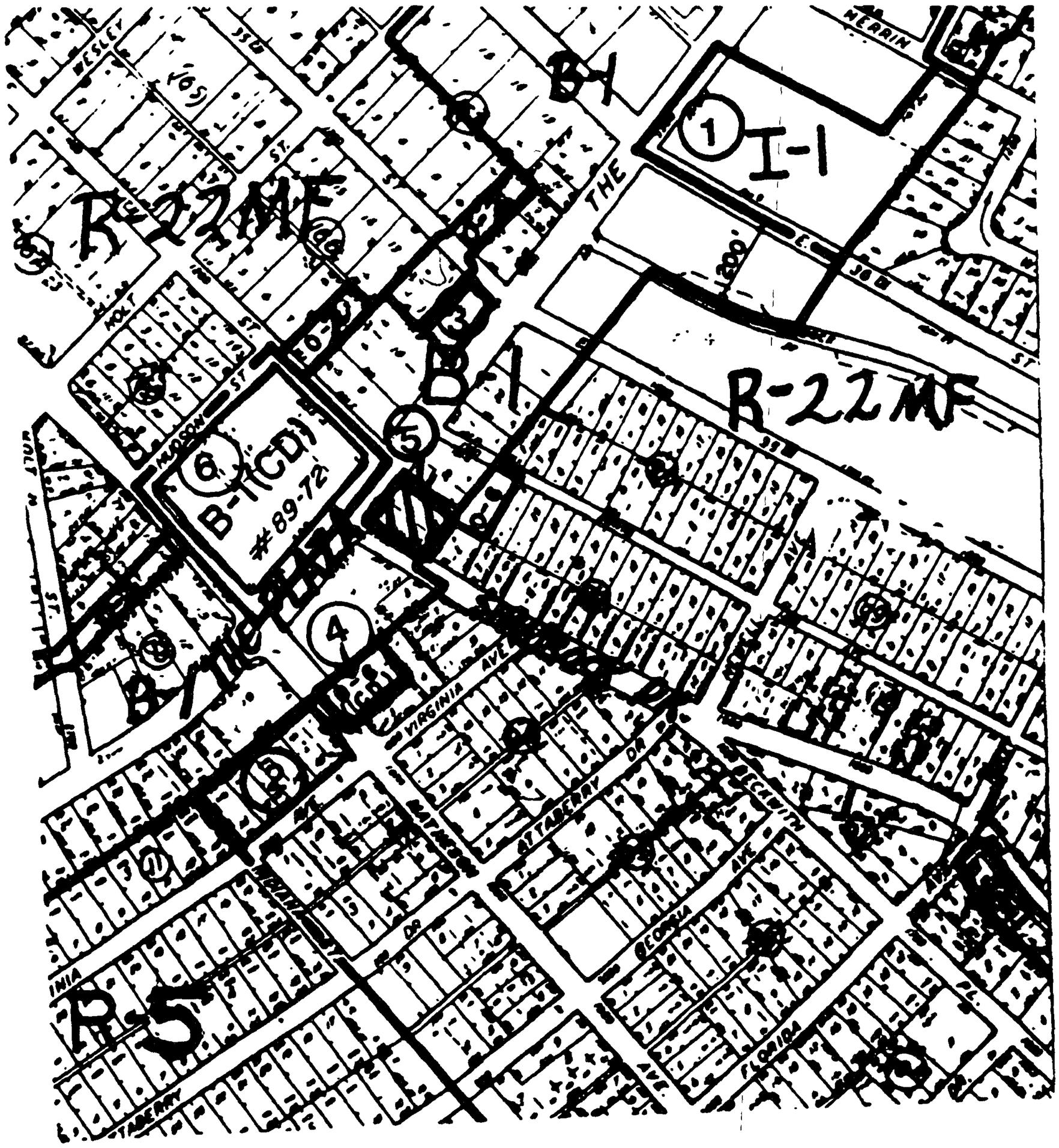
PETITIONER: Juliet A. Williams

PETITION NO.: 92-28 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: B-1

ZONING CLASSIFICATION, REQUESTED: B-2(CD)

LOCATION: An 18,601 square foot parcel located on the southeasterly corner of The Plaza and Shamrock Drive.



ZONING MAP NO(s).: 89

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-32

Petitioner: Harry G. Kostopoulos & Pete Kanellopoulos

Location: Approximately 3.6 acres located on the north side of Albemarle Road, east of Jamison Place Drive.

Request: Change from R-3 to B-1(CD) and R-3(CD).

BACKGROUND

1. Existing Zoning. The subject property and all surrounding properties are zoned R-3.

2. Existing Land Use. The property involved with this request is developed with a convenience store and two single family residences. A church is located to the east on the north side of Albemarle Road near Hollirose Drive. Otherwise, the area is developed with single family residential housing. Several large vacant tracts still remain along both the north and south sides of Albemarle Road in the nearby area.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential development in the vicinity of the subject property. The 2005 strategies for the area include the widening of Albemarle Road which is currently underway, potential light rail service in the area, and the Harrisburg Road Park.

   2. East District Plan (adopted 1990). The East District Plan indicates residential development of densities ranging from one to four dwelling units per acre in the area of the petitioned site. The plan recognizes a community mixed use center (1 million square feet retail/office) at the intersection of Albemarle Road and Harris Boulevard. The transportation improvements indicated in the plan include the widening of Albemarle Road and the eastern circumferential. The plan also includes the Harrisburg Road Park and Lake Forest Neighborhood Park.

   3. Transportation Improvement Program. The Transportation Improvement Program includes the eastern circumferential and the widening of Albemarle Road.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from R-3 to a combination of B-1(CD) and R-3(CD) to allow development of a new 3,600 square foot retail/convenience/food service facility on the front portion of the site abutting Albemarle Road and five single family lots to the rear. The plan provides for two driveway connections to Albemarle Road for the

retail center as well as a new public street connection to Albemarle Road to access the single family lots. The plan provides for a 30 foot landscaped buffer along the northerly and easterly edges of the B-1(CD) site and compliance with the City of Charlotte Tree Ordinance. The plan indicates the retail store is to have residential character, brick construction, gable roof, and optional dormers. The signage for the retail facility is limited to a maximum of four feet in height.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 69-40	R-15 to R-12MF	Denied	04/21/69

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a residential category to a combination of commercial and residential to allow development of a new retail/convenience center. Additional commercial development is not envisioned by plans for the area. Therefore, the commercial component of the subject petition is not consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the petition. Subsequent to the filing, staff communicated a number of site plan related concerns to the petitioner.

2. Departmental Comments. CDOT indicates this site could generate approximately 110 through 120 trips per day as currently zoned. The site could generate approximately 6,735 through 6,740 trips per day based on the proposed rezoning. Several site plan comments noted by CDOT are still outstanding. Those comments are:

1. Right-of-way dedication measuring 50 feet from the centerline of Albemarle Road. 2. Access to the proposed convenience store shall only be allowed from the proposed subdivision street. No direct access will be allowed to Albemarle Road. 3. The proposed public street must be constructed to the commercial street standards (40 foot wide

street within a 60 foot wide right-of-way beyond the relocated drive to the convenience center). Beyond the driveways the street may be tapered to the local residential street standard with a 50 foot right-of-way.

Other outstanding site plan comments include the need for a minor modification to the public street layout so that it provides for future access to adjacent property and limitation of the retail signage to a monument type (rather than pylon) type sign.

ISSUES

1. Land Use. This petition raises a land use issue. It requests rezoning from a residential district to a combination of commercial and residential zoning in an area in which publicly adopted plans call for a residential future. Although the petitioned site is developed with a commercial use, it would be inappropriate to rezone the subject property only for that reason. The existing commercial use is nonconforming and can remain as is forever. In addition, there are several existing or proposed commercial centers located nearby providing abundant retail services for the neighborhood. Additional retail facilities on Albemarle Road are not needed. Therefore, from a land use standpoint, the petition is not appropriate for approval.

2. Site Plan. The site plan which accompanies this request also raises several issues. From a site plan standpoint, the petition is not appropriate for approval until those issues have been adequately addressed.

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

FRED E. BRYANT, PLANNER

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

RECEIVED
JUN 2 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

STATEMENT OF SUPPORT

PETITION NUMBER: 92-32

PETITIONER: HARRY G. KOSTOPOULOR AND PETE KANELOPOULOS

LOCATION: APPROXIMATELY 3.6 ACRES ON THE NORTH SIDE OF ALBEMARLE ROAD EAST OF JAMISON PLACE DRIVE

REQUEST: CHANGE FROM R-3 TO B-1(CD) & R-3(CD)

A convenience retail-type establishment has been located on this property for an unknown number of years, but predating the existence of any zoning in the area which goes back to the early 1960s. The Petitioners have owned and operated a facility on this site since 1981. As has happened at several other locations around the city, there is now a need to consider updating this use with a new building more appropriate in design and location to fit into its surrounding neighborhood. Over recent years, several locations along Providence Road and, more recently, along Carmel Road have received similar treatment much to the advantage of the surrounding area.

The present building has been impacted by the widening and improvement of Albemarle Road and, while it can continue to exist in its current location, it will not be nearly as attractive or provide the higher level of service that a new building could accomplish. As will be demonstrated at the public hearing, there is a substantial amount of support for this rezoning from people who live in the immediate vicinity and desire to have the service continue to be available to them in an improved fashion.

The Petitioner has committed to not only the improvement and rebuilding of the existing commercial facility, but, at the same time, is committing to the development of the remainder of the property into five large single-family lots which will create and guarantee a good relationship between the commercial facility and the nearest planned residential lotting. In addition, full buffer relationships have been established between the commercial site and all adjoining residentially zoned property.

As expected, the Planning Staff is opposing the rezoning of this property based on the conventional view that the adopted plan for this area does not recognize any existing commercial use except those which are concentrated in areas large enough to gain mandatory acknowledgement. While this is a perfectly rational plan approach, it does not take into consideration the improvements which would occur by recognizing such a use as the one located on the subject property. The practical approach, and one which we believe is supported by most if not all people in the immediate vicinity, is to recognize the ongoing aspect of this commercial use and permit redevelopment to occur in a way which will be advantageous to all. It is contended that an overall land

use plan cannot and should not take into consideration and reflect these types of detailed circumstances.

The Staff has also mentioned a number of site plan details which need further attention and we believe that with the exception of the driveway access statement are only the result of different interpretations of indications which are already on the site plan. For example, the plan clearly indicates the intent of providing a total of 100 feet of right-of-way along Albemarle Road, but has not actually reflected it as a commitment of dedication for 50 feet from centerline. Other items include the manner in which access from the proposed residential street would be provided to adjoining properties and the terminology of limiting a sign to a monument-type design, whereas, the plan already indicates such signs could not be more than four feet in height. While this to me automatically indicates a monument-type sign, there apparently is a need to reflect this actual type language. All of these matters can and will be adjusted in the final plan detail.

The one item we do not address concerns a CDOT statement that access to the commercial site cannot come from Albemarle Road, but would only come from the proposed new street. In improving Albemarle Road, NCDOT has already installed the driveways as shown on the site plan which constitute only "right in" and "right out" access to Albemarle Road. Since the State has already installed these accesses, we see no reason to agree to a condition that would say that access would come only from the adjoining residential street. In the total design of the area we do not believe that such access should be limited to the residential street, but more appropriately should come from the major thoroughfare to which it is already directed. It is my understanding that with these driveways in place, there would be no mechanism for requiring their closure.

In summary, it is the Petitioner's contention that this plan, if approved, will substantially improve the appearance of both the subject property and its relationship to adjoining development. With the commitment to construct a residential-type building and the improved ability to provide a service to the immediate neighborhood, this petition while perhaps not reflecting the complete adherence to book planning does provide a practical response to an existing situation. In evaluating the proposal, it is hoped that you will view the many positive aspects of the project and recognize that there are few, if any, real negatives associated with it.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review Tues. April 28 @ 10:00 a.m.

Petition No. 92-32

Date Filed March 30, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Harry G. Kostopoulos & Pete H. Kanellopoulos

Owner's Address: 1727 Paddock Circle, Charlotte, NC 28209

Date Property Acquired: June 18, 1981

Tax Parcel Number: 109-072-04

Location of Property (address or description)

North side of Albemarle Road near Old Savannah Road

Description of Property

Size (Sq. Ft.-Acres): 3.6 acres

Street Frontage (ft.): 280 feet on Albemarle

Current Land Use: one convenience store & two houses

Zoning Request

Existing Zoning: R-3

Requested Zoning: R-3(CD) & B-1(CD)

Purpose of Zoning Change: To allow the redevelopment of a nonconforming retail store and create five new single-family lots.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

Harry G. Kostopoulos and
Pete H. Kanellopoulos
Name of Petitioner(s)

1727 Paddock Circle, Charlotte, NC 28209
Address of Petitioner(s)

394-1250
Telephone Number

Pete H Kanellopoulos
Harry G Kostopoulos
Signature

Signature of Property Owner
if Other Than Petitioner

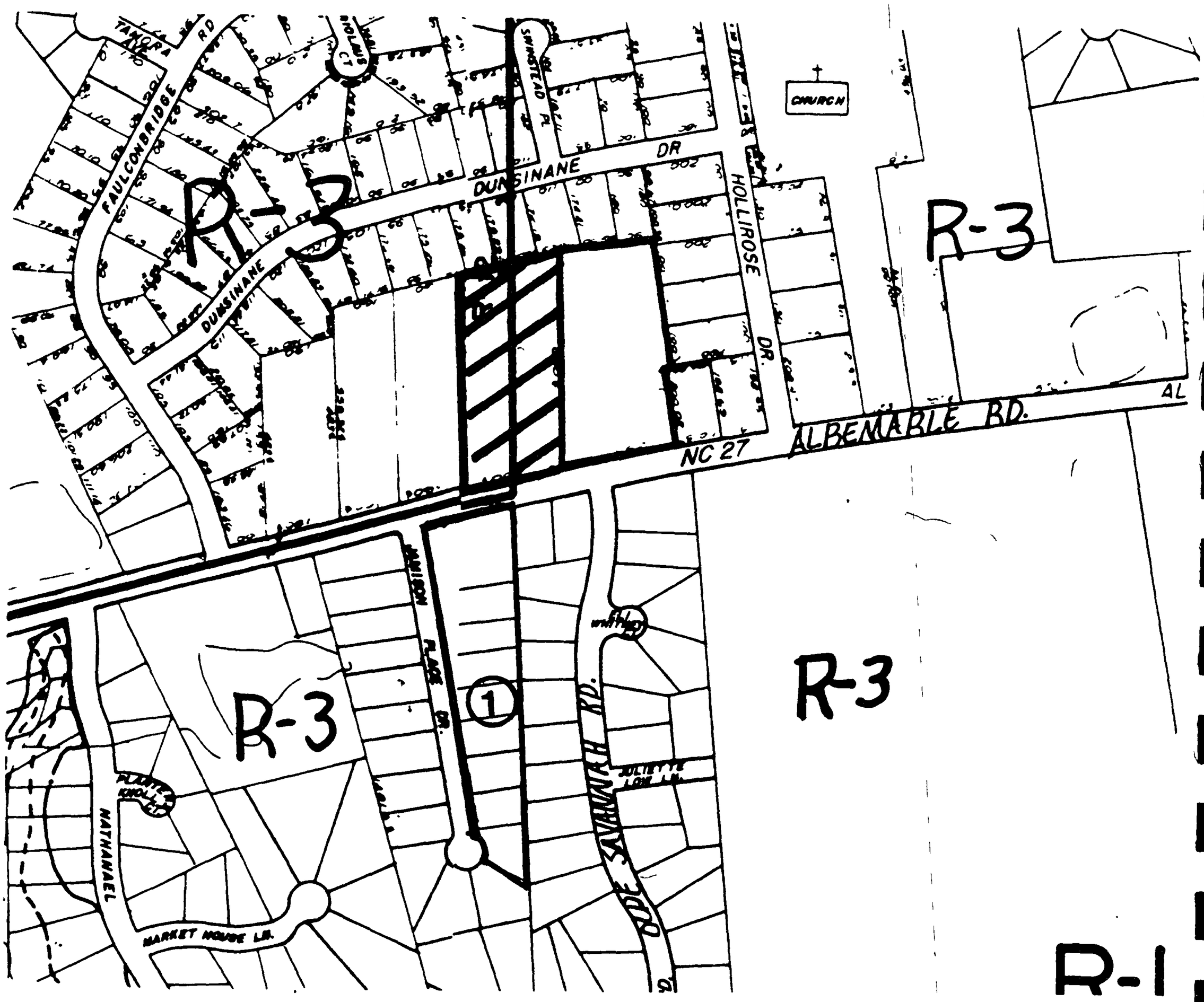
PETITIONER: Harry G. Kostopoulos & Pete Kanellopoulos

PETITION NO.: 92-32 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: R-3(CD) and B-1(CD)

LOCATION: Approximately 3.6 acres located on the north side of Albemarle Road, east of Jamison Place Drive.



ZONING MAP NO(s).: 114 & 115 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-33

Petitioner: Ruth Flowe

Location: Approximately .317 acres located on the south side of Wilkinson Boulevard east of Remount Road.

Request: Change from I-2 to I-1.

BACKGROUND

1. Existing Zoning. The subject property is presently zoned I-2 as are surrounding properties on the southerly side of Wilkinson Boulevard. To the north of the petitioned site along Wilkinson Boulevard, properties are zoned a combination of industrial, commercial, office, and residential classifications.

2. Existing Land Use. The subject property is developed with a commercial building which is presently vacant. Surrounding properties are developed with a variety of commercial, office, and residential development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing employment land uses along Wilkinson Boulevard. Strategies for the area include streetscape improvements along Wilkinson Boulevard.

   2. Wilkinson Boulevard Special Project Plan (adopted 1986). The main objectives of the Wilkinson Boulevard Special Project Plan are to support Wilkinson Boulevard as an employment corridor and to provide for streetscape improvements.

   3. Central District Plan (pending). The draft Central District Plan envisions continuation of employment uses along Wilkinson Boulevard. The Central District Plan supports the basic recommendations of the Wilkinson Boulevard Special Project Plan regarding land use and streetscape strategies for Wilkinson Boulevard. The plan focuses the redevelopment of Wilkinson Boulevard on employment land uses as opposed to commercial development.

4. Site Plan. There is no site plan which accompanies this petition inasmuch as the petition is a conventional, rather than conditional, application.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 81-69	I-1 & 0-6 to 0-6 & R-6MF	Approved	02/22/82
2. 83-29	I-1 to I-2	Denied	07/18/83
3. 88-71	I-1 to 0-6	Approved	10/17/88
4. 88-72	I-1 to B-1	Approved	10/17/88
5. 91-61	R-6MF to B-1(CD)	Approved	11/18/91

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

REVIEWS

1. Plan Consistency. Publicly adopted plans indicate the area of the subject property should be used for employment type land uses. This petition seeks rezoning from the general industrial district to the light industrial district. Therefore, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner discussed the application with staff prior to its filing. Staff indicated a desire for the petition to be considered on a conventional, rather than conditional, basis.

   2. Departmental Comments. There were very few significant departmental comments inasmuch as the petition is a conventional, rather than conditional, application.

ISSUES

1. Land Use. This petition proposes rezoning from I-1 to I-2 in order to accommodate an auto sales lot on the subject property. (The new zoning ordinance requires B-2 or I-1 zoning for auto sales). This petition raises no issues from a land use standpoint and is considered 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.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-33
Date Filed March 30, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Ruth P. Flowe

Owner's Address: 12420 Hamilton Rd Charlotte, N.C. 28273

Date Property Acquired:

Tax Parcel Number: a portion of 119-012-02

Location of Property (address or description) 2461 Wilkinson Blvd

Description of Property

Size (Sq. Ft.-Acres): .317 acres

Street Frontage (ft.): 102' Wilkinson Blvd

Current Land Use: commercial bldg (vacant)

Zoning Request

Existing Zoning: I-2

Requested Zoning: I-1

Purpose of Zoning Change: to permit an auto sales lot; the new zoning ordinance does not permit this use in the I-2 District

Robert G. Young
Name of Agent

301 S. McDowell St Ste 404
Agent's Address Charlotte, N.C. 28204

334-9157
Telephone Number

Ruth P Flowe
Name of Petitioner(s)

12420 Hamilton Rd Char, N.C.
Address of Petitioner(s)

588-2520
Telephone Number

Ruth P. Flowe Jr
Signature

Signature of Property Owner
if Other Than Petitioner

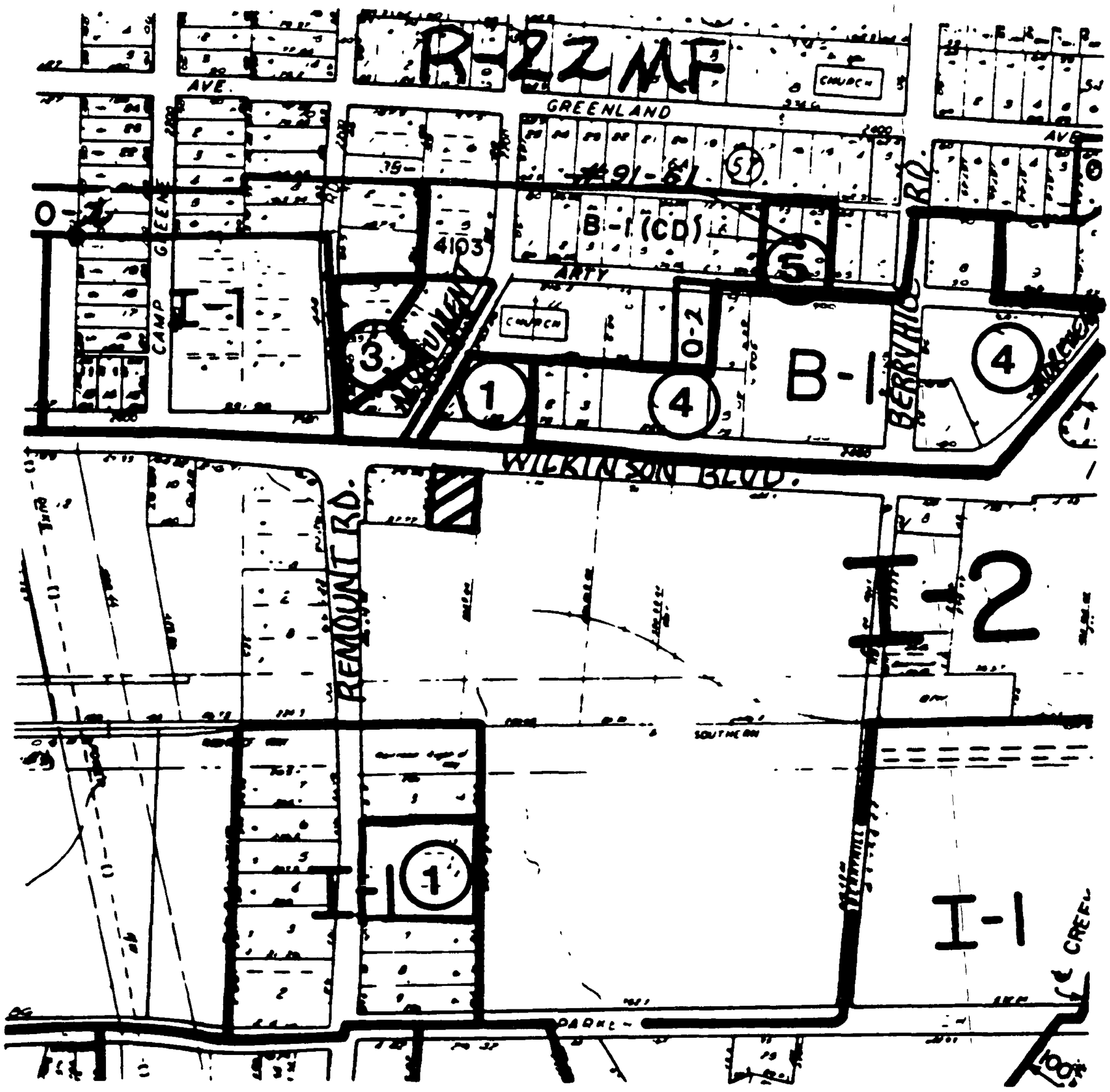
PETITIONER: Ruth P. Flowe

PETITION NO.: 92-33 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: I-2

ZONING CLASSIFICATION, REQUESTED: I-1

LOCATION: Approximately .317 acres located on the south side of Wilkinson Boulevard, east of Remount Road.



ZONING MAP NO(s).: 103 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-34

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: On the west side of York Road, just north of Sandy Porter Road.

Request: Change from I-1 to B-1 in accordance with the Southwest District Plan adopted by City Council in November, 1991.

BACKGROUND & JUSTIFICATION

Zoning History

Zoning on these properties has never changed.

Existing Land Use

A convenience store, retail, office, single family, and vacant uses occupy these properties.

Surrounding Land Use

Adjacent land uses include single family and vacant property to the northwest, retail to the southwest, industrial and office to the southeast, and vacant land to the northeast.

Proposed Land Use/Zoning

The adopted Southwest District Plan proposed neighborhood retail uses for these properties. Therefore, a B-1 zoning is recommended. Industrial development was deemed inappropriate because of the proximity of these properties to existing and proposed single family land use. No objections to this rezoning have been voiced by property owners.

Nonconformities Resulting From This Rezoning

No new nonconformities would be created.

Consequences Of Not Rezoning This Property

Industrial uses may eventually be built as the property redevelops. The Southwest District Plan envisions industrial uses remaining on the east side of York Road in this area. Leaving this industrial zoning in place could encourage new rezonings to industrial which is not consistent with the Southwest District Plan.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

Petition No. [illegible]

Date Filed March 30, 1992

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: SEE ATTACHED

Owner's Address:

Date Property Acquired:

Tax Parcel Number:

Location of Property (address or description)

YORK ROAD at its intersection with SANDY PORTER ROAD

Description of Property

Size (Sq. Ft.-Acres): 6.3 acres

Street Frontage (ft.): 1100 ft.

Current Land Use: Convenience store, retail, vacant, office and single family

Zoning Request

Existing Zoning: I-1

Requested Zoning: B-1

Purpose of Zoning Change: TO BRING ZONING IN CONFORMANCE WITH ADOPTED SOUTHWEST DISTRICT PLAN.

Name of Agent

Agent's Address

Telephone Number

CHAR-MECK. PLANNING COMM.

Name of Petitioner(s)

Address of Petitioner(s)

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-34 HEARING DATE: June 15, 1992

ZONING CLASSIFICATION, EXISTING: I-1

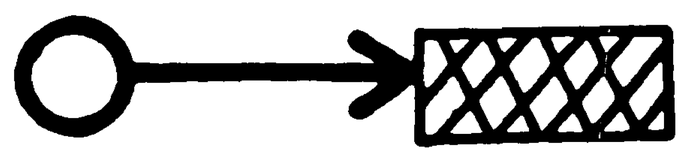
ZONING CLASSIFICATION, REQUESTED: B-1

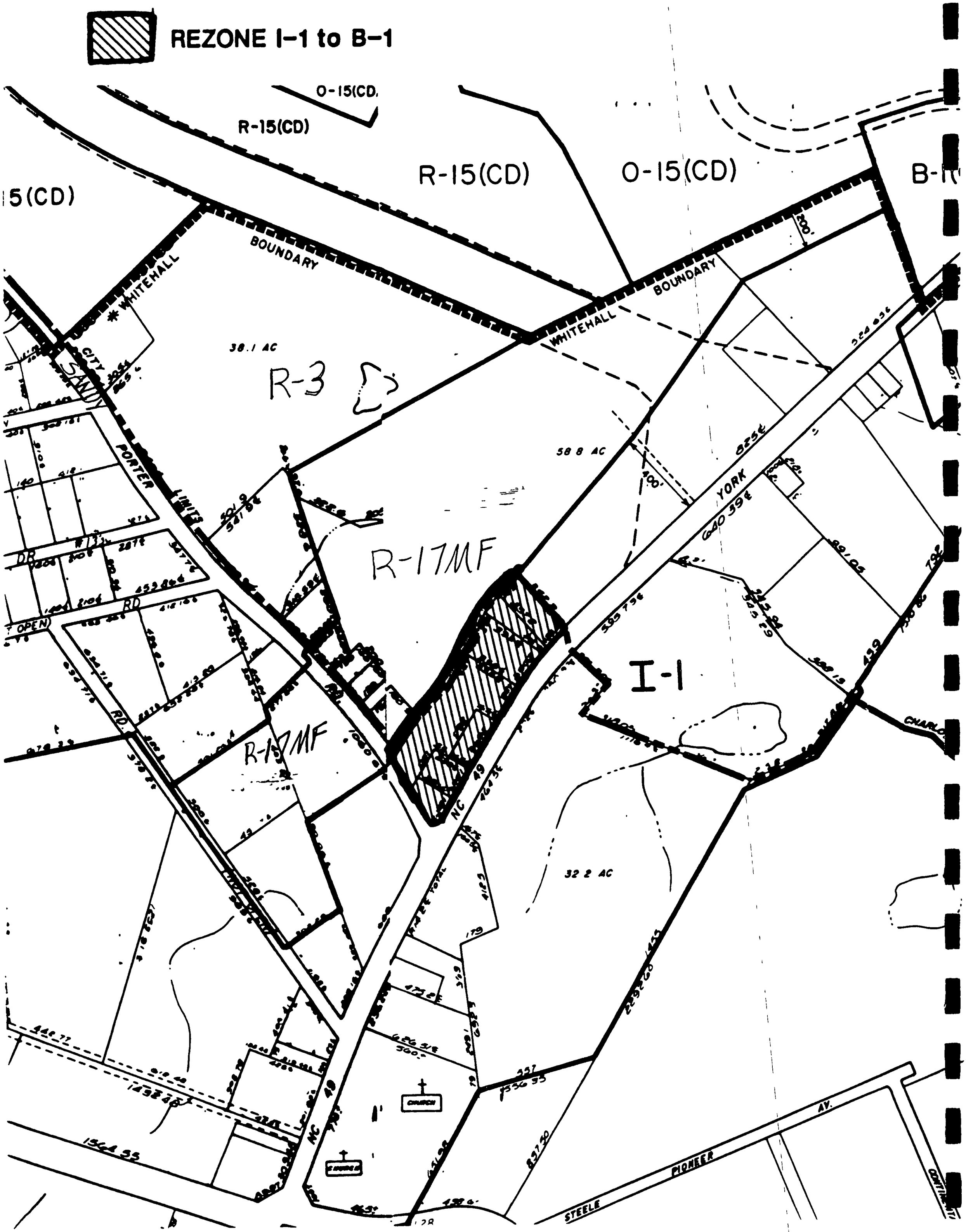
LOCATION: Approximately 6.3 acres located on the westerly side of York Road at Sandy Porter Road.

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE




REZONE I-1 to B-1
O-15(CD)
R-15(CD)
R-15(CD)
O-15(CD)
15(CD)
BOUNDARY
WHITEHALL
WHITEHALL
BOUNDARY
38.1 AC
R-3
58.8 AC
R-17MF
YORK
R-17MF
I-1
32.2 AC
PORTER
RD.
NC 49
CHURCH
STEELE
PIONEER
AV.

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-44

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to make provisions for the "cancellation by surrender" or "termination" of previously approved special use permits.

BACKGROUND

When the current zoning ordinance was adopted in January, 1992, there was no provision for special use permits. As a result, the ordinance does not address how previously approved special use permits are terminated or revised. If any existing plan needs to be revised or if the approved use is no longer desired and another use is proposed, there is no recognized ordinance provisions to terminate the special use permit. The purpose of this amendment is to provide two methods for such actions.

The previous ordinance had a very cumbersome and costly procedure for amending or terminating special use permits. That procedure required the property owner to file a special use permit petition by paying the appropriate filing fee and going through the semi-judicial hearing to request a revision, or often to only ask that they be allowed to develop the property in a fashion permitted by right in the underlying zoning district.

This amendment will establish simplified cancellation and termination procedures by the following two methods:

(1) Cancellation by surrender

This procedure will allow a property owner to request that the special use permit be cancelled merely by administrative action of the Planning staff.

A previously approved special use permit will be cancelled if the following conditions are met: (i) there are no existing zoning violations of the special use permit; and (ii) the property is undeveloped or the existing use is permitted in the underlying zoning district.

(2) Termination

Any special use permit which does not meet the conditions for cancellation can be terminated by a reclassification of the property through the rezoning process. The granting of a rezoning classification will terminate the previously approved special use permit.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-44

Date Filed March 30, 1992

Received By MCM

OFFICE USE ONLY

Section No Chapter 14: Special Use Permits

(Title)

Purpose of Change To make provisions for the "surrender" or "termination" of previously approved special use permits.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

REVISED DRAFT 5/15/92

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 14: Reserved, by adding the following:

CHAPTER 14:

SPECIAL USE PERMITS

PART 1: RESERVED

PART 2: RESERVED

PART 3: CANCELLATION BY SURRENDER AND TERMINATION OF SPECIAL USE PERMITS

Section 14.301. Cancellation by surrender of a special use permit.

(1) Any special use permit which has been previously approved may be offered for surrender by the property owner or his agent by submitting a written application to the Planning Director.

(2) The Planning Director will accept the offer of surrender and cancel the special use permit if all the following conditions are met: (i) there are no existing zoning violations of the special use permit; and (ii) the property is undeveloped or the existing use is permitted in the underlying zoning district.

(3) Approval of the application will result in the special use permit being cancelled and the property becoming subject to the existing underlying zoning district. Upon the cancellation of a special use permit, any expansion of an existing use or any new development must conform to all the requirements of the underlying zoning district.

(4) Following the cancellation, the designation of the previously approved special use permit will be removed from the Official Zoning Map and the property will be shown to be in the appropriate underlying zoning district.

Section 14.302. Termination of a special use permit.

Any special use permit which does not meet the conditions for cancellation established by Section 14.301 can be terminated by a reclassification of the property in accordance with the procedures set forth in Chapter 6. The granting of a zoning reclassification petition will terminate the previously approved special use permit.

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

AN ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK THE PROPERTY KNOWN AS THE "CHARLOTTE COLISEUM (ORIGINAL) AND OVENS AUDITORIUM" TO INCLUDE THE FOLLOWING BOTH INTERIOR AND EXTERIOR OF THE CHARLOTTE COLISEUM (ORIGINAL), THE EXTERIOR OF OVENS AUDITORIUM, AND TAX PARCEL NUMBER 159-028-01 UPON WHICH THE CHARLOTTE COLISEUM (ORIGINAL) AND OVENS AUDITORIUM ARE LOCATED THE PROPERTY, OWNED BY THE CITY OF CHARLOTTE, IS LOCATED AT THE SOUTHEASTERN CORNER OF INDEPENDENCE BOULEVARD EAST AND COLISEUM DRIVE, CHARLOTTE, MECKLENBURG COUNTY, N C

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met, and

WHEREAS, the Members of City Council of the City of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the ____ day of _____ , 1991, on the question of designating a property known as the "Charlotte Coliseum (Original) and Ovens Auditorium" as a historic landmark, and

WHEREAS, two mayors of Charlotte, Herbert Baxter and his successor Victor Shaw, recognized the need for a city coliseum and an auditorium to support the growth of Charlotte as early as 1947, and

WHEREAS, the construction of the "Charlotte Coliseum (Original) and Ovens Auditorium" was the culmination of an intense fifteen year promotional effort by civic and political leaders; and

WHEREAS, the City Council of the City of Charlotte appointed A G Odell, Jr, and Associates to prepare the design of the "Charlotte Coliseum (Original) and Ovens Auditorium" in May, 1950; and

WHEREAS, the construction of the "Charlotte Coliseum (Original) and Ovens Auditorium" was completed in 1955 to provide the first single-purpose sports facility and auditorium in the area, and

WHEREAS, the "Charlotte Coliseum (Original), as designed by Odell & Associates, was the largest free-span dome in the world at the time it was built, and

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

WHEREAS, the "Charlotte Coliseum (Original) was important for its pioneering architectural design, and

WHEREAS, "Ovens Auditorium" provided the optimum facility for seating 2,500 people for theatrical productions, and

WHEREAS, the modern style of the "Charlotte Coliseum (Original) and Ovens Auditorium" was considered a showcase for the unique uses of aluminum in construction during the 1950's, and

WHEREAS, the "Charlotte Coliseum (Original) and Ovens Auditorium" fostered major economic growth for the city at large and Independence Boulevard in particular, and

WHEREAS, the "Charlotte Coliseum (Original) and Ovens Auditorium" have housed a large variety of events that entertained and enriched the citizens of the City of Charlotte, Mecklenburg County and the region, and

WHEREAS, the current owner, the City of Charlotte, has faithfully maintained the "Charlotte Coliseum (Original) and Ovens Auditorium" and has thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Charlotte Coliseum (Original) and Ovens Auditorium" possesses structures having integrity of design, setting, workmanship, materials, and/or association, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Charlotte Coliseum (Original) and Ovens Auditorium" possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the "Charlotte Coliseum (Original) and Ovens Auditorium" is owned by the City of Charlotte,

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

NOW, THEREFORE, BE IT ORDAINED by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

1 That the property known as the "Charlotte Coliseum (Original) and Ovens Auditorium" (including the interior and exterior of the Charlotte Coliseum (Original), the entire exterior of Ovens Auditorium, and the tax parcel of land upon which it is located listed under Tax Parcel 159-028-01), is hereby designated as historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina The location of said landmark is noted as being situated at the southeastern corner of Independence Boulevard East and Coliseum Drive in Charlotte, Mecklenburg County, North Carolina

2 That said interior of the "Charlotte Coliseum (Original)" is more specifically defined as the historic and structural fabric to include the precast concrete bleachers, the exposed surfaces of structural concrete and steel, the terra cotta block partitions, the shape and placement of the encircling concourse, aisles and exits, the volume of interior space provided by the 332 foot dome, the wooden seats, and other interior features that are part of the original historic fabric of the building

3 That said designated landmark may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted

4 That nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition Nothing herein shall be construed to prevent the landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

5 That a suitable sign may be posted indicating that said property has been designated as historic landmark and containing any other appropriate information If the owner consents, the sign may be placed on said landmark

6 That the owners and occupants of the landmark known as the"Charlotte Coliseum (Original) and Ovens Auditorium" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law

7 That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted

Adopted the _____ day of _____ 1991 by the Members of City Council of the City of Charlotte, Mecklenburg County, North Carolina

_____

Clerk to the City Council

Approved as to form.

_____

City Attorney

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 28, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on May 21, 1992.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, June 8, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, June 15, 1992.

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

Respectfully submitted,

Anne J. McClure

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

AJM:mlj

Attachments

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

DATE May 21, 1992

PETITION NO.: 92-5

PETITIONER(S): Realfin, Inc.

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

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

ACTION: A motion to deny this petition resulted in a 3 to 3 tie vote by Zoning Committee. A subsequent motion to approve the petition also resulted in a 3 to 3 tie vote. Therefore, this petition is deferred to the next Zoning Committee work session on June 22.

VOTE ON MOTION TO DENY:

Yeas: Fenning, McClure, and Spencer.

Nays: Byrne, Lassiter, and Tabor.

Absent: Baker.

REASONS

This petition proposes rezoning of properties from the Institutional category to office to allow the development of a 272,650 square foot office park. The petition was previously deferred in order to allow time for the petitioner to meet with the Hampton Park neighborhood and to work with CDOT on resolution of transportation issues. The petitioner subsequently met with the neighborhood and agreed during the course of the Zoning Committee meeting to provide several transportation improvements requested by CDOT including turn lanes along Highway 29 and on McCullough Drive. In addition, the petitioner clarified that buffers will be provided along the edges of an outparcel located on the most northwesterly edge of the petitioned property. The Zoning Committee discussed this petition for some time focusing on the potential advantages or disadvantages of the creation of more office zoned land in this vicinity. Several members of Zoning Committee noted that an office park as proposed by this petition would be a good neighbor to the Hampton Park community. It was also noted that a denial of this petition would be a disservice to the petitioner who has submitted a site plan in conformance with the district plan for the area. The members of Zoning Committee in favor of the motion to deny the petition expressed concern for the preservation of the nearby Hampton Park neighborhood and the need for a residential neighbor to the community. Several members also noted that there is a substantial amount of undeveloped office/retail zoned land just across Highway 29 and viewed the creation of more office zoning as unnecessary. A motion to approve the petition as modified was followed by a substitute motion to deny. The substitute motion to deny failed 3 to 3 as did the subsequent vote on the main motion. Therefore, the petition is deferred for 30 days.

DATE: March 23, 1992

PETITION NO.: 92-11

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

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

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

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

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

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

Nays: None.

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

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

Nays: Spencer and Tabor.

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

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

Nays: McClure.

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

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

Nays: None.

REASONS

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

Gibson Smith property

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

Gellman property

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

Portrait Homes Property

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

Remainder of Petition

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

STAFF OPINION

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-11

Date Filed December 9, 1991

Received By TWCM

OFFICE USE ONLY

Ownership Information

Property Owner See attached list

Owner's Address See attached list

Date Property Acquired

Tax Parcel Number See attached list

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

Description of Property

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

Current Land Use Vacant and multi-family residential

Zoning Request

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

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

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commission

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

Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

Southwest DISTRICT
CITY PET. #6

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

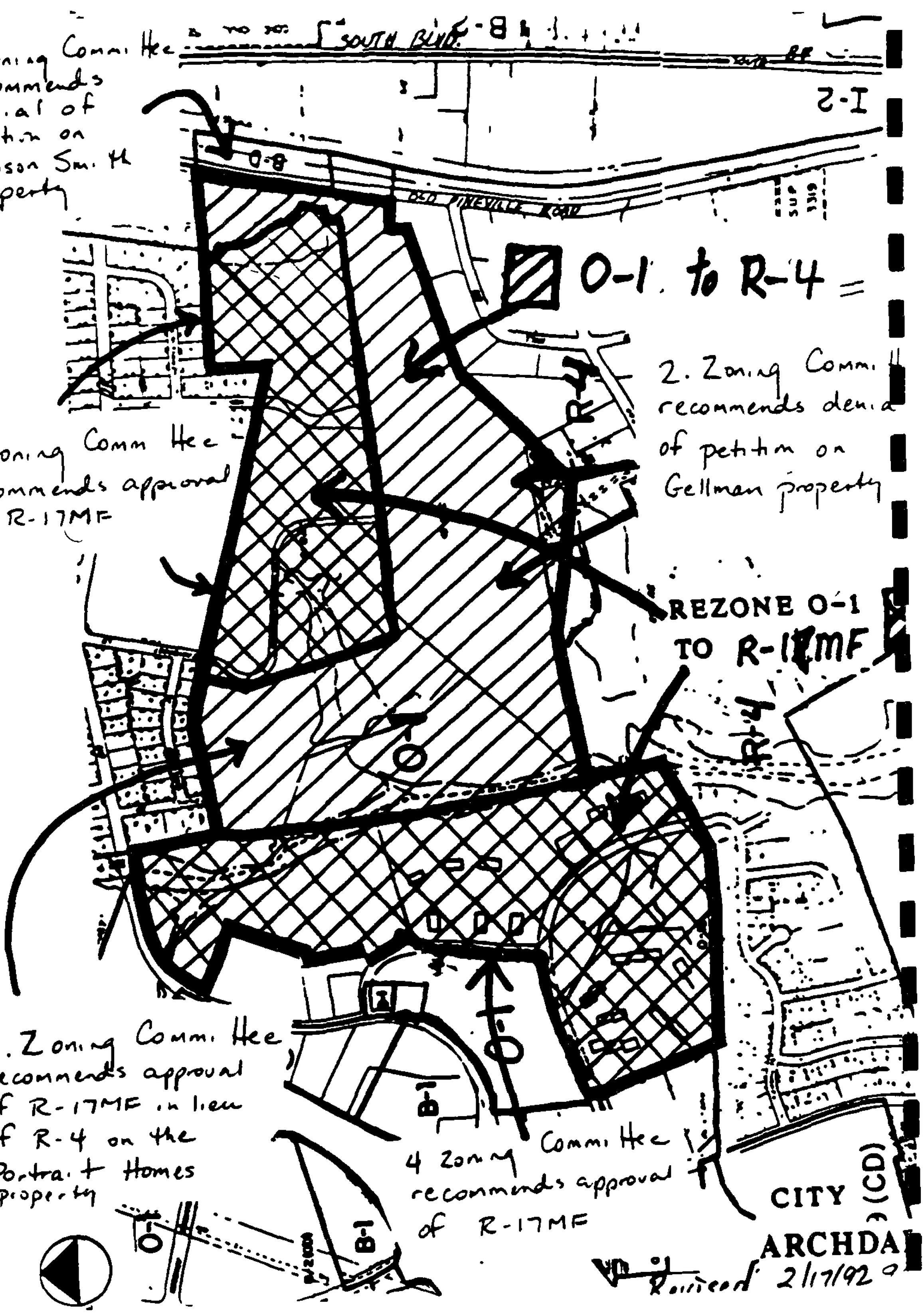
1 Zoning Comm Hee recommends denial of petition on Gibson Smith property

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

4 Zoning Comm Hee recommends approval of R-17MF

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

4 Zoning Comm Hee recommends approval of R-17MF



Revised 2/17/92

DATE: May 21, 1992

PETITION NO.: 92-22

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

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

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

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

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

Nays. Fenning and Spencer.

Absent: Baker.

REASONS

This petition proposes rezoning from commercial to multi-family residential. The majority of Zoning Committee viewed the petition as inappropriate for approval noting that the existing zoning is suitable for the property and the rezoning is not warranted. It was also noted that the existing zoning allows for the best use of the property. The minority opinion viewed the petition as appropriate due to the abundance of commercial zoning in the nearby area. Therefore, this petition is recommended for denial.

STAFF OPINION

The staff views the petition as appropriate for approval. The petition was initiated specifically to implement the Northeast District Plan. Denial of this petition will signal a retreat from adopted policies and invite additional, more intense commercial pressure.

DATE: April 27, 1992

PETITION NO.: 92-23

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Institutional to R-5.

LOCATION: Approximately 70 acres generally located between U.S. 29 and Harris Boulevard including properties along both sides of Hampton Church Road.

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

1. Approval of the petition with the exception of the Wyatt property (see attached map).

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

Nays: None.

(Commissioner Lassiter was not present when vote was taken.)

2. Denial of the petition as it relates to the Wyatt property.

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

Nays: None.

(Commissioner Byrne was not present when vote was taken.)

REASONS

This petition proposes rezoning from Institutional to single family residential. The Zoning Committee viewed the petition as it relates to the Hampton Park neighborhood as appropriate for approval in order to accommodate and encourage further housing rehabilitation and expansions within that neighborhood. However, the Zoning Committee viewed the petition as it relates to the Wyatt property as not appropriate for approval. The Zoning Committee viewed the potential for single family residential on the Wyatt property as limited and the existing institutional zoning as more appropriate.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

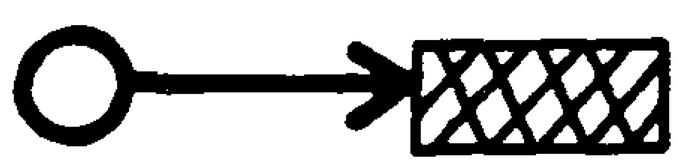
ZONING CLASSIFICATION, EXISTING: Institutional

ZONING CLASSIFICATION, REQUESTED: R-5

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

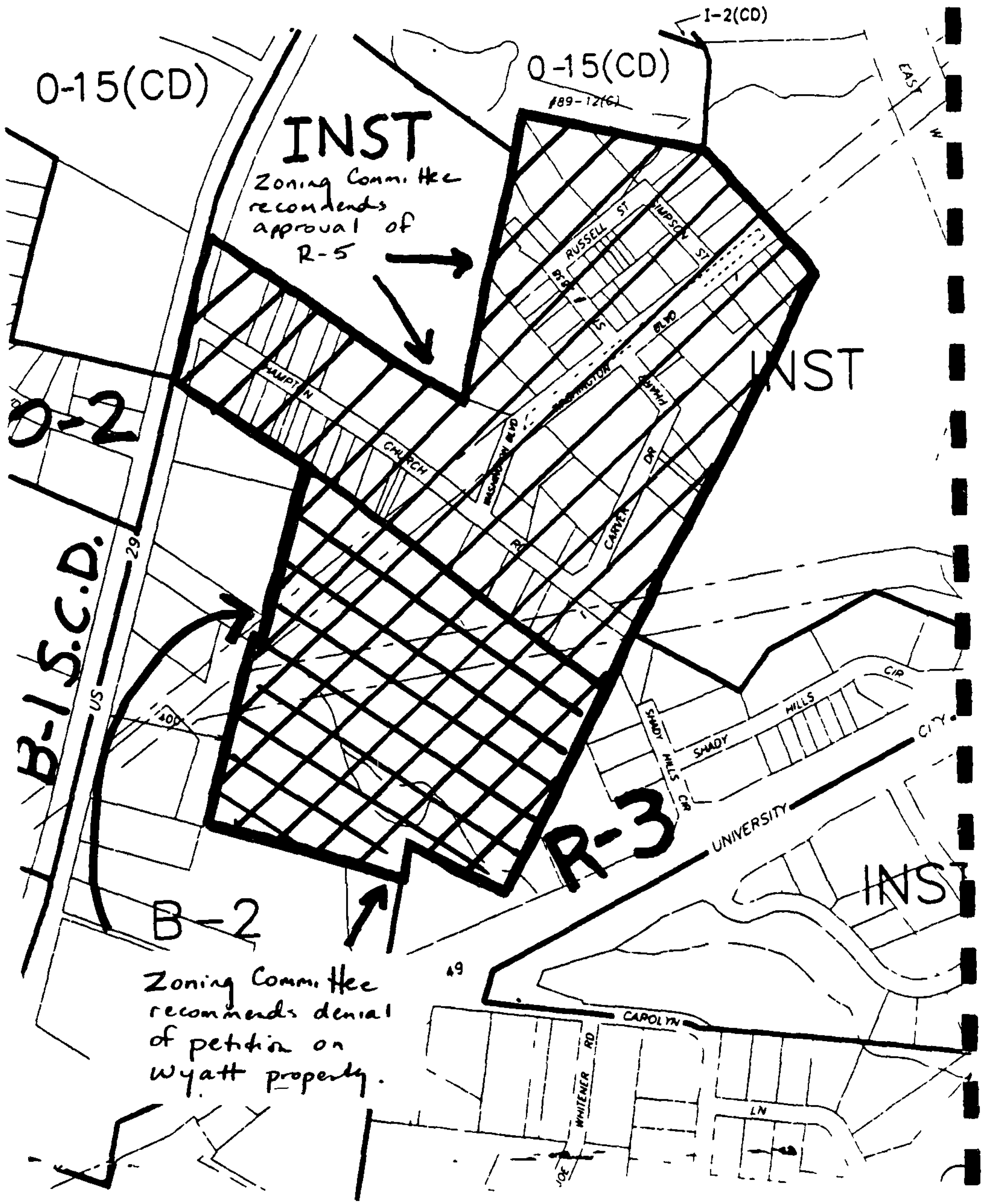
SEE ATTACHED MAP

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



PROPERTY PROPOSED FOR CHANGE

NORTHEAST DISTRICT # 12



DATE: May 21, 1992

PETITION NO.: 92-24

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

REQUEST: Change from Institutional and B-1 to R-3.

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

ACTION: The Zoning Committee deferred action on this petition to their next work session on June 22.

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning from Institutional and B-1 to R-3. The Zoning Committee noted the issue which arose at the public hearing on this request with respect to a letter of opposition from UNCC. Inasmuch as the University had previously indicated their support for the district plan, the Zoning Committee directed staff to obtain clarification from the University on their position on the proposed rezoning. Therefore, the Zoning Committee deferred action on this petition for 30 days in order to allow time to request and obtain a letter of clarification from UNCC.

DATE. May 21, 1992

PETITION NO.. 92-25

PETITIONER(S): McDonald's Corporation

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to change the minimum required off-street parking for restaurants.

ACTION: The Zoning Committee deferred action on this petition to their next work session on June 22.

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes an amendment to the zoning ordinance to reduce the amount of off-street parking for restaurants. The Zoing Committee deferred action on the request in order to obtain additional information from CDOT regarding the potential impact on both sit-down and fast food restaurants of the proposed amendment as well as the potential impact of an alternative proposal by staff.

DATE: May 21, 1992

PETITION NO.: 92-26

PETITIONER(S): Sharon Lakes Properties

REQUEST: Change from O-1 to B-1(CD).

LOCATION: Approximately 2.36 acres located on the northerly side of Sharon Lakes Road east of South Boulevard.

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

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning from office to commercial for the portion of the existing Sharon Lakes Plaza that is presently used for offices to allow the offices to be converted to retail use. 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.

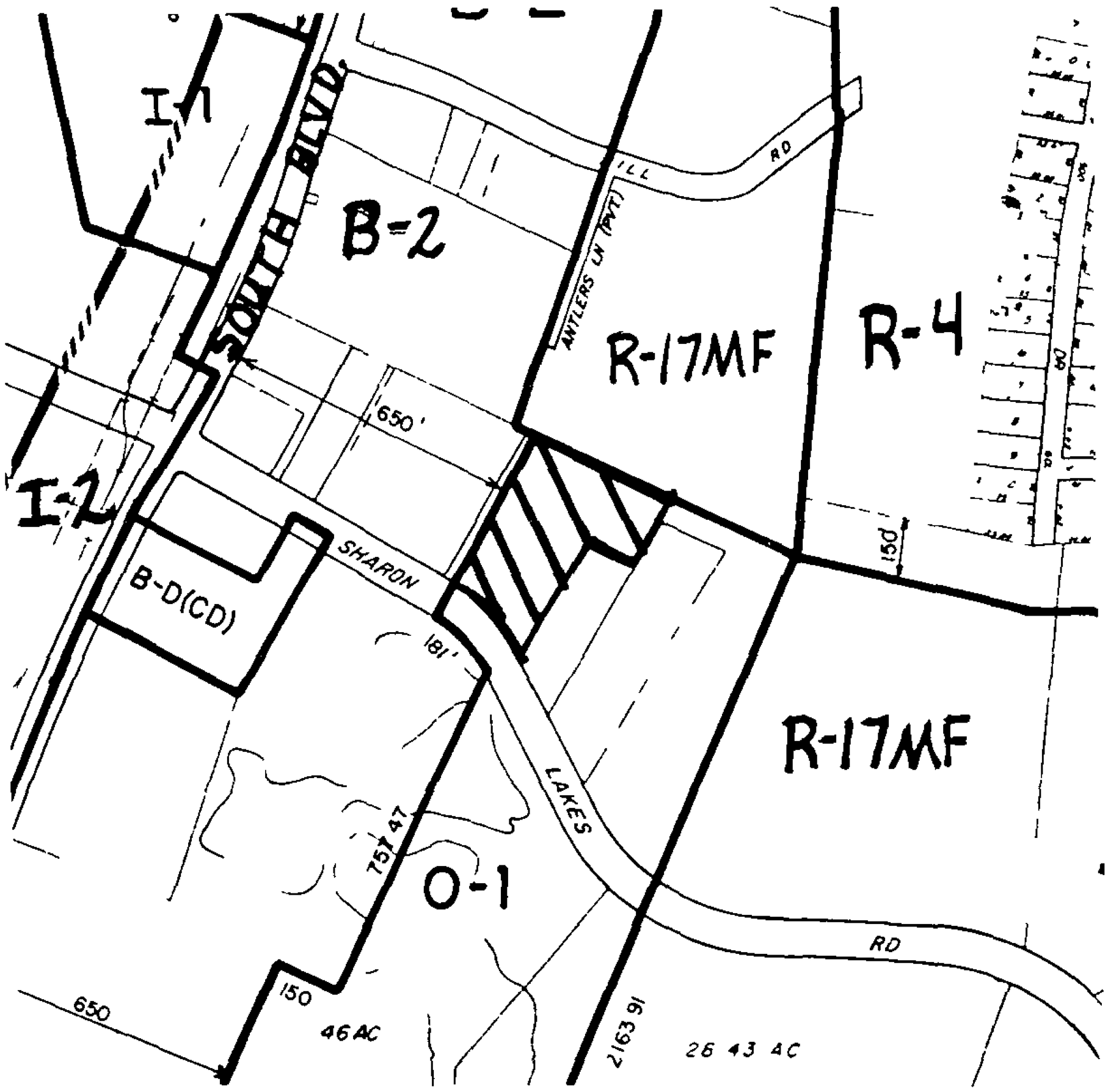
PETITIONER Sharon Lakes Properties

PETITION NO 92-26 HEARING DATE May 18, 1992

ZONING CLASSIFICATION, EXISTING 0-1

ZONING CLASSIFICATION, REQUESTED B-1(CD)

LOCATION Approximately 2 36 acres located on the northerly side of Sharon Lakes Road, east of South Boulevard.



ZONING MAP NO(s).: 148 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE. May 21, 1992

PETITION NO.: 92-27

PETITIONER(S): Clayton Properties

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

LOCATION: Approximately .88 acres located on the southeast corner of Park Road and Princeton Avenue.

ACTION: The Zoning Committee deferred action on this petition to their next work session (June 22).

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning from R-4 to R-8(CD). The petitioner presented several proposed changes to the plan at the public hearing on this request. The Zoning Committee deferred action on the petition for 30 days as per the conditional site plan policy to allow time for notification of interested parties.

DATE: May 21, 1992

PETITION NO.: 92-29

PETITIONER(S). Charlotte Douglas International Airport

REQUEST: Change from R-3 to I-2.

LOCATION. Approximately 18.77 acres located south of Byrum Drive at Piney Top Drive.

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

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

Nays: McClure.

Absent: Baker.

REASONS

This petition proposes rezoning from residential to general industrial for properties located near Douglas Airport. The majority of Zoning Committee viewed the petition as submitted as appropriate for approval due to its location and proximity to the airport. However, the minority opinion viewed approval of a conventional petition in this location as inconsistent with previous conditional rezonings in the nearby area. The petition is, therefore, recommended for approval by Zoning Committee.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

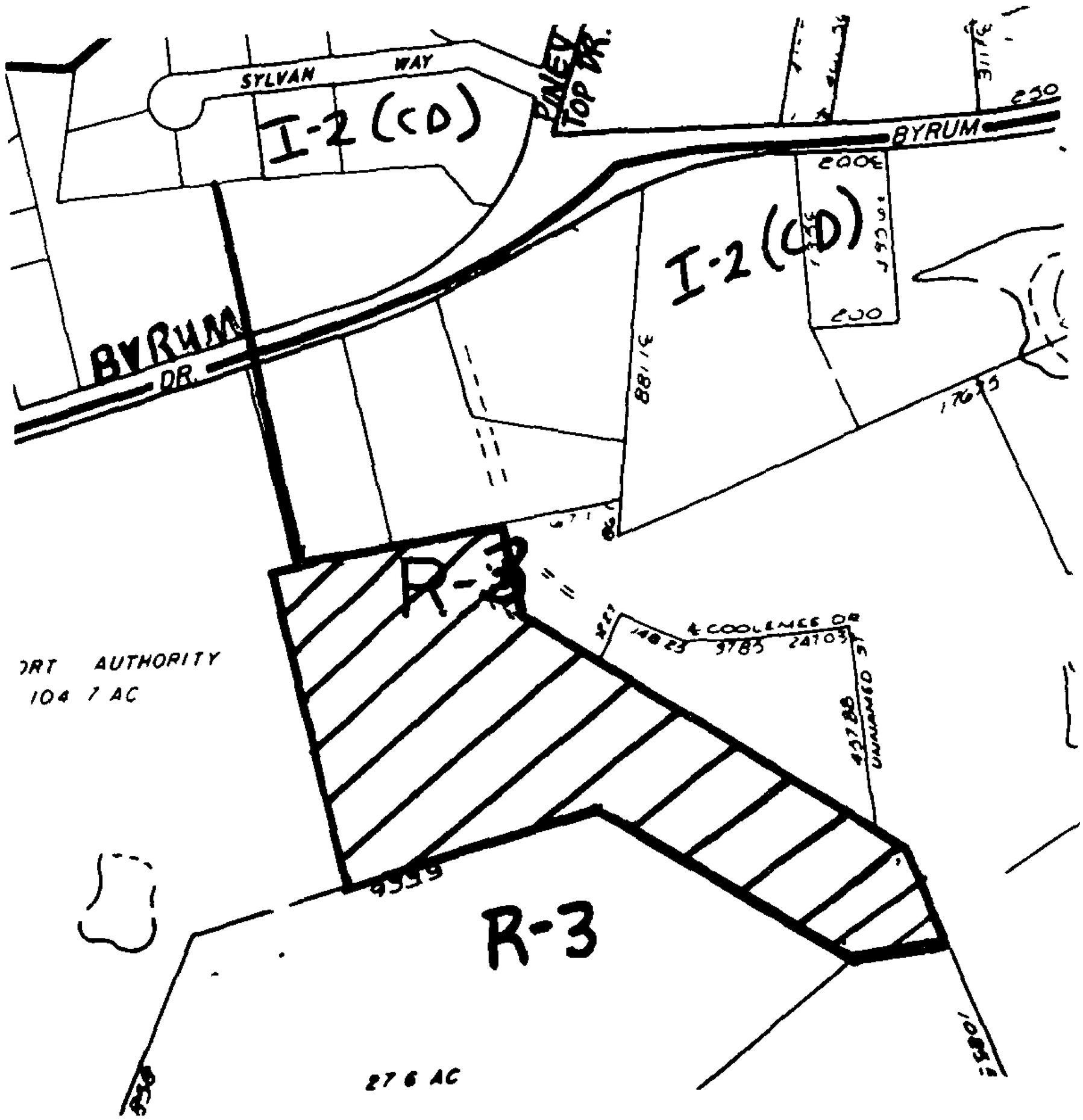
PETITIONER: Charlotte Douglas International Airport

PETITION NO.: 92-29 HEARING DATE. May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-2

LOCATION: Approximately 18.77 acres located off the southerly side of Byrum Drive at Piney Top Drive.



ZONING MAP NO(s).: 108 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 21, 1992

PETITION NO.: 92-30

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-5 to R-8.

LOCATION: Approximately 44.7 acres located between Monroe Road and Randolph Road just south of Briar Creek.

ACTION: The Zoning Committee deferred action on this petition to their next work session (June 22).

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning from R-5 to R-8 in accordance with the Grier Heights Special Project Plan. The staff compared the number of nonconforming lots under R-5, R-6, and R-8 zoning classifications. This information has been submitted to City Council under separate cover. The Zoning Committee deferred action on both Petition No. 92-30 and Petition No. 92-31 in order to have additional time to review this comparison.

DATE: May 21, 1992

PETITION NO.: 92-31

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from R-5 to R-8.

LOCATION: Approximately 29 acres generally located off of the north side of Wendover Road west of LaTrobe Drive.

ACTION: The Zoning Committee deferred action on this petition to their next work session (June 22).

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

Nays: None.

Absent: Baker.

REASONS

This petition proposes rezoning from R-5 to R-8 in accordance with the Grier Heights Special Project Plan. The staff compared the number of nonconforming lots under R-5, R-6, and R-8 zoning classifications. This information has been submitted to City Council under separate cover. The Zoning Committee deferred action on both Petition No. 92-30 and Petition No. 92-31 in order to have additional time to review this comparison.