AGENDA

Meeting Type	B
Date:	06-21-1993

City of Charlotte, City Clerk's Office

Dinner Briefing June 21

Mayor Vinsot	✓	x	Anne McCathers	✓
Campbell			Gloria Fanning	✓
Cole Feller	✓	x	Vincent Gray	✓
Hammond	✓	x	John Ingles	✓
Mc Crory	✓	x	Don Edwards	✓
Majeed	✓	x	Jones	✓
Marguin	✓	x		
Martin	✓	x		
Patterson	✓	x		
Reid	✓	x		
Scarborough	✓	x		
Wheeler				

5:25

Mayor
Vi Alexander
Mc Crory
Alexander
Martin
Alexander
Martin
Alexander, Jones - Rose, City

Clodfelter
Alexander
Vincent
McCrary
Cloninger
[illegible]
Alexander
[illegible] White
McCrary
[illegible]
[illegible]
[illegible] Sander
[illegible]
[illegible]
Martin
Vincent
Martin
Vincent
Reid
Alexander
Reid
[illegible] Sander
Reid
Patterson

Reid
[illegible]
[illegible]

Hammond
Campbell
Vincent
Scarborough
Campbell
Vincent
Clodfelter
Campbell
Martin
[illegible]
Vincent
Reid / Hammond. [illegible] 3
3 [illegible]
Vincent
[illegible]
McCrary
[illegible]
Campbell
McCrary
Campbell

Campbell
Clodfelter
McCrory
Clodfelter
Campbell
McCrory
Vinson
Schumacher
Vinson
Schumacher
Mazer
Hammond
Schumacher
Hammond
Schumacher
Hammond
Mazer
Clodfelter
McElwee
Fields
McCrory
Fields
McCrory
McElwee

This was a majority opinion

– Cl: Jetti
Mc Clure
Mazzei
Cl: Jetti
Mazzei

Adjourn 5:55

Zoning Meeting June 21

Ryan Vinroot	✓	Ann McClure	✓
Campbell	✓	Ken Baker	absent
Clod Jeter	✓	Gloria Fleming	✓
Hammond	✓	Vincent James	✓
Mc Cray	✓	John Jones	✓
Majed	✓	John Inlow	✓
Mangum	✓	Don Wheelchel	✓
Martin	✓		
Patterson	✓		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

6:05

Vinroot

Invocation - Rev. Leland Stephens

Vinroot

Fun

Vinroot

#3 ✓ #5

Martin / Wheeler Defer

Unan.

#17-23-17 18 21 23 20

Vinroot
Scarborough / Hammond Rifles
all but item 18 - unan.
Clifdfelter
Vinroot
Vote - unan.
Vinroot

#1
Louis Bledsoe
Vinroot.
Morgan / Scarborough hy
Wheeler / Scarborough unan.
unan.

#2 Vinroot
Bledsoe
Morgan
Bledsoe
Vinroot
Morgan / Fortheller Clifdfelter
Wheeler / Morgan unan.
Vinroot unan.
Morgan.

Vinroot
#4 - 93-28
Clodfelter
-Vinroot -
Martin
Vinroot -
Wheeler
Vinroot
Wheeler
Vinroot
Clodfelter
Vinroot
Clodfelter
Mangum / Reid - Eyerse - Vinroot
+ Clodfelter
McCrary
Martin
Cunningham
Martin
Yes - Mangum + Reid
Fields
Vinroot
Clodfelter
Fields
Vinroot

Campbell
Fields
Campbell
Fields
[illegible]
Patterson
Clodfelter
Vincent
Campbell
Vincent
Patterson
Fields
Patterson
[illegible]
Irene Hawkins
James Pruitt
Vincent
Robert Inglis Press Meyers [illegible]
Hon Ogdowich
Vincent
[illegible]
[illegible]
Pressley
Hawkins
[illegible]

[illegible]

[illegible]

[illegible]

Martin

[illegible]

Wheeler - Copy of [illegible]
Robert Judkins [illegible]

Wheeler

[illegible]

Judkins

Wheeler

[illegible]

Preston.

Petition - Have just seen it myself [illegible]
Judkins - not there [illegible]

Petition

Judkins

Patterson

Viscect

Wheeler - Petition [illegible]
Dickes - Remaining - Cure, fract
med/dental, guardiple & friend's bank,
studies, etc.

Martin

Bailey
Martin
Fields -
Martin
McGovern
Vinroot
Patterson / Wheeler Cbe Hang.
Freeze - Clarify on #3 & #5 - Defer or Continue
Vinroot
Hammond / Morgan Recind motion to defer - Union.

Reid / Hammond - Continues to 7/19
No - Clodfelter / Wheeler

#6 - 93-30
Vinroot
Bailey Patrick
Clodfelter
Patrick
Clodfelter
Patrick
McCrory / Wheeler Cbe Hang.
Union.

Vincent
#7- 93. 31
Vincent
Fields
E Vincent
Bob Hamond
Vincent
Manchester
Vincent
Hammond
Fields
Wheeler / Martin Close Hrg.
tenn.

Tape 2 7:30

93-32
McCoy
Vincent
Fred Bryant
Vincent
Hammond Fewkes Close Hrg.
tenn.

HB-93-33
Vincent
Bailey Patrick
Wheeler / Hammond Close Hrg.
tenn.

#10 93-34
Vinson
Martin
Wheeler
Aichel
Sapley Chaplin
Wheeler / Patterson Elec Hrng.
Tenen.

#11 93-35
Vinson
Clodfelter
Vinson
McCrary / Wheeler Elec. Cs
Vinson + Chaffee
Tenen
Vinson
Bailey
Hammond / McC[illegible]
Vinson
Wheeler
[illegible] Tenen

#12 93-36
Vinson
Patterson
Fields

[illegible]
Fields Maybe [illegible]
Martin
Fields
Martin
[illegible]
Vincent
Glenn Fleming
Patterson
Fields
Chadfield
McCrory / Reid Calx Hong.
Morgan Turner.

#13 C 93-37
Vincent
Vance & Grant
Vincent
Coy J. Allred
McCrory
Allred
Vincent
Wan / Wu Calx Hong.
Turner.

Off - Broad Rivers
Vinroot
McCrary
Vinroot
Wickersham
Vinroot
McCrary
Wheeler
Vinroot
Patterson - Council should direct
staff # 2 - grandfathered groups
Patterson / Reid
approach #2 on for
public hearing 7/19
Wheeler
Clodfelter
Vinroot
Mangum
Vinroot
Frances Ambrose -
Bill Stagner
Eleanor B

VOTE. Unan.

Break 8:05
Resume 8:15

#15 Vinson
McCrory Scarborough App.
Co Wolfe

Majed
Hammond
Vinson

VOTE - No Morgan, Albright
Martin

#16 93-16
Scarborough/Albright App.
Co Wolfe

#18 - SUB 93-1
Vinson
Fields
McCrory
Fields
McCrory
Fields
Vinson
If time - adoption B
Hammond/McCrory adopt B
with [illegible]
does [illegible] relate [illegible] FMP if [illegible]

Majed
[illegible]
[illegible]
[illegible]
Dick
[illegible]
[illegible]
Fields
Mangum
Clodfelter - Put amount on it of fees to do what County does.
Wheeler
Subst. Wheeler [illegible]
[illegible]
first of year [illegible]
Martin
Fields
Martin
Fields
Martin
Fields
Clodfelter
Underhill - No monetary
Martin

Underhill
McCrain
Reid
Patterson
Majeed
VOTE - Hammond, Manigault

#93-19-19
Winrod
Hammond/Scarborough Editor
A with sunset

Fields
Whe

VOTE - No - Manigault

#20-93-20
McCroot
Wheeler

/DMartin - app.
VOTE - No Manigault

#22-93-22
Pat

/Whe
Unan.

Gray

#24 Scar / Mar app.

No- Pat Hanson
Clock
Meeting

#25 Mar / Scar
app.
man.

#27 Mar / Scar app.
Vinsot
man.

Majesd / Martin
@ Vinsot
Underhill

Refer to Planning
Comm: Inglesby Bus.

VOTE man.

Marquem / Wh.
adjourn
8:45

MAYOR'S SCHEDULE
June 21, 1993

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Leland Stephens, Thomasboro Baptist Church.

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

(a) Agenda Item No. 4 - Hearing on Petition No. 93-28

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.

✓1) James Preston, 2600 Charlotte Place - 372-9000 - FOR

✓2) Teresa Hawkins, 428 East 4th Street - 373-1907 - FOR

✓3) Robert Fuller, 2401 Westfield Road - 377-8324 - AGAINST

✓4) Mary Horan Ognovich, 4815 Providence Road - 522-7835 - AGAINST

X5) Bob Lillien, 2121 Radcliffe Avenue - 377-8307 - AGAINST

(b) Agenda Item No. 7 - Hearing on Petition No. 93-31

X1) Brad Winter, 1913 Dembright Lane - 547-0906 - AGAINST

(c) Agenda Item No. 13 - Hearing on Petition No. 93-37

✓1) Coy T. Allred, 1427 Carolyn Drive - AGAINST

(d) Agenda Item No. 14 - Discussion on Group Homes

✓1) Frances Ambrose, 1124 Yale Place - 523-6890

X2) Calvin Hefner, 1327 Durwood Drive - 376-6641

✓3) Eleanor Barnhart, 1438 Devon Drive - 527-6415

(4) Bill Stogner, 7800 Knollwood Circle

June 21, 1993
Zoning Meeting
Minutes Book 102, Page 281

The City Council of the City of Charlotte, North Carolina, convened for their regular Zoning Meeting on Monday, June 21, 1993, at 6 05 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 Ann McClure, Chair, Gloria Fenning, Vincent James, John Jones, John Tabor and a Don Whelchel

ABSENT: Ken Baker

* * * * * * *

INVOCATION

The invocation was given by Rev Leland Stephens, Thomasboro Baptist Church

* * * * * * *

MOTION TO DEFER ITEM NOS. 3 AND 5

[Motion was made by Councilmember Martin, seconded by Councilmember Wheeler,]
[and carried unanimously, to defer Item No 3, Petition No 93 27 and Item No 5,]
[Petition No 93-29 for 30 days]

[Later in the meeting, a motion was made by Councilmember Hammond, seconded by]
[Councilmember Mangum, and carried unanimously, to rescind the motion to defer]
[this petition]

[Motion was made by Councilmember Reid, seconded by Councilmember Hammond, to]
[continue the public hearings on Item Nos 3 and 5, Petition Nos 93 27 and 93 29 to]
[July 19, 1993]

The vote was recorded as follows

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

* * * * * * *

MOTION TO DEFER ITEM NOS. 17, 21, 23 AND 26.

[Motion was made by Councilmember Scarborough, seconded by Councilmember]
[Hammond, and carried unanimously, to defer Item No 17, Petition No 93-17, Item]
[No 21, Petition No 93-21, Item No 23, Petition No 93-23 and Item No 26, Peti-]
[tion No 93-26 for 30 days]

* * * * * * *

ORDINANCE NOS. 3575-X AND 3576-X DESIGNATING THE BISHOI .DWIN D. MOUZON HOUSE AND THE MORGAN SCHOOL AS HISTORIC LANDMARKS.

The public hearing held on May 17, 1993 was opened to continue the hearing

mpl

Louis Bledsoe, Historic Landmarks Commission, stated on May 17, 1993, the Council held public hearings and approved the designation of the Bishop Edwin D Mouzon House and the Morgan School property as historic landmarks It has come to his attention after that meeting that the legal notice did not appear in the newspaper, therefore it is necessary to go through the process again They have advertised this in the newspaper and it is in order to adopt the ordinances

[There being no speakers either for or against, a motion was made by Councilmember]
[Mangum, seconded by Councilmember Scarborough, and carried unanimously, to close]
[the public hearing]

[Motion was made by Councilmember Wheeler seconded by Councilmember Scarborough]
[and carried unanimously, to adopt the subject ordinances]

The ordinances are recorded in full in Ordinance Book 43, at Pages 92 and 96

* * * * * * *

ORDINANCE NO. 3577-X DESIGNATING THE JOHN AND IDELLA MAYES HOUSE AS AN HISTORIC LANDMARK.

The scheduled public hearing was held on the subject designation

Louis Bledsoe, Historic Landmarks Commission, stated this house is owned by James F Wyatt, III, and is located at 435 East Morehead Street The house was built in 1902 and is the last remaining of the grand residential boulevard which formed the northern boundary of Dilworth Mr Mayes was a mill owner and was heavily involved with Stewart Cramer and his manufacturing company was absorbed by Cramerton Mills in the early 1920's The house still has the interior and exterior features remaining and in good condition

Mr Bledsoe stated the State Division of Archives and History supports this designation and considers the house to be a national register of historic places He said the Historic Landmarks Commissions believes the house possesses special significance in terms of history, architectural and cultural importance and would recommend the Council approve this as a local historic landmark

Mr Bledsoe stated the Department of Transportation has requested that six feet of the parcel be excluded for future right-of-way use, but their request is not included in the recommendation and would prefer DOT come before the Historic Landmarks Commission if and when they wish to exercise the right-of-way

Councilmember Mangum asked if the house was not under restoration at this time?

Mr Bledsoe stated Mr Wyatt bought the house recently and has begun restoration

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

[Motion was made by Councilmember Wheeler, seconded by Councilmember Mangum,]
[and carried unanimously to adopt the subject ordinance designating the John and Idella]
[Mayes House, including the exterior and interior, and the land upon which it sits as]
[an historic landmark]

The ordinance is recorded in full in Ordinance Book 43, at Page 100

* * * * * * *

mpl

MOTION TO EXCUSE MAYOR VINROOT AND COUNCILMEMBER CLODFELTER FROM VOTING ON THE NEXT ITEM, DENIED.

[Motion was made by Councilmember Mangum, seconded by Councilmember Reid, to]
[excuse Mayor Vinroot and Councilmember Clodfelter, from voting on the next item]

The vote was recorded as follows

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

HEARING ON PETITION NO. 93-28 BY GEORGE W. PITTMAN FOR A CHANGE IN ZONING FROM O-6(CD) TO O-2(CD) FOR APPROXIMATELY .5 ACRES LOCATED ON THE NORTHWESTERLY CORNER OF THE INTERSECTION OF QUEENS ROAD AND LUTHER STREET.

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 the property involved in this petition is located along Queens Road at the intersection of Luther Street There is a mixed pattern of zoning in the area, office, multifamily and some single family The land use reflects that the properties along Queens Road do have a mixture of uses The property adjacent to this property has the appearance of a single family home but is used for an interior design operation and that is the reason the office zoning was established there a number of years ago

The site plan which currently controls the site restricts the owner to using it as a residence and an interior design office only This plan was very critical in maintaining the appearance of the house as a residential structure, which it has done, especially with its relationship to Queens Road The 5,800 square feet currently in the structure is all that is to be dealt with in terms of the modified plan, which does continue to preserve the house in its residential form, but does change the list of uses Along Queens Road, the front yards remain the same Along Luther Street the current parking area continues, but additional parking is placed in the rear of the site The use list is expanded and the potential tenant is the Bar Association, but this plan does provide for some additional uses in the future He believes that is one of the things that is particularly critical in terms of considering this rezoning

Mr Fields stated this is a site plan amendment, changing from a conditional zoning plan for an office use that was very restrictive to a conditional zoning plan for an office which is more liberal with regards to the use of the property

Councilmember Clodfelter stated it is indicated in the staff write up that they might be comfortable with a site plan if the list of uses were made more restrictive He asked Mr Fields what he would suggest?

Mr Fields stated one of the things that has gotten them to where they are is that sometime in the past a plan was approved with a single use, but if a single use is appropriate and if that is the use to which this property is to be put in the long term, then it is not unreasonable to consider limiting it to a specific use He said the way the plan presently reads, it says everything allowed in the office district and then there are some exceptions He feels it is preferable to list specifically what will be allowed and that the list can be redefined to be very narrow, dealing with the Bar use for a similar type of office use and feels that is something the Council can consider

Councilmember Campbell asked how many times the Bar Association meets each year, to which Mr Fields said he did not know, that he had received some correspondence for some potential additional language from the Bar Association indicating they would put some limitations on the numbers of meetings, but he cannot answer the question as to how many meetings

mpl

Mr Campbell asked how many parking spaces are there?

Mr Fields stated there are 19 spaces including the existing spaces and those to be added and that is the minimum required for the amount of floor space

Mr Campbell asked how many lawyers attend the Bar Association meetings?

Councilmember Patterson stated she understood there was an agreement between the Bar Association and the Little Theater to use Little Theater's parking for the seminars the Bar Association would hold here because obviously they do not have enough parking for the seminar program She asked if there were any notes to that affect?

Mr Fields stated there are notes to that affect, but he does not have a copy of the agreement at this point and does not know if he would be furnished a copy of that, but there are notes that say that arrangements have been made with the owners of 511 Queens Road and the Theater of Charlotte to use the parking lot directly across Queens Road for those occasions when the on site parking is insufficient

Teresa Hawkins, 428 East 4th Street, stated she was president of GNA Design Associations which is the land planner who prepared the conditional site plan for this request On behalf of Mr George Pittman, who is the property owner and the petitioner, she will outline the process associated with this plan in the rezoning request Mr Pittman wishes to retire and has had this property on the market for over two years for sale as a residential piece During the entire two years, he has no purchase offers at all Eleven years ago Mr Pittman rezoned the property O-6(CD) but his conditional plans specifically limited the office use portion of the property to an interior designers office This lack of flexibility and the obvious inability to sell this property as a single family residential use, triggered the need for a rezoning via a site plan amendment Earlier this year Mr Pittman contracted with the Mecklenburg County Bar for purchase of this property to be used as their administrative office subject to this rezoning request With the Mecklenburg Bar Association as the potential user of this property, they began this rezoning process in February of this year There were a number of meetings with City Staff, Planning Commission and C-DOT in order to receive input into the development of the site plan As a result, there is no opposition or extending issues of which she is aware regarding this request Because this property is in the Cherry Planning Area, they have met with and received endorsement from the Cherry Community Organization Prior to filing the request, they also met with the outgoing and in coming Presidents of the Myers Homeowners Association, and on April 13, presented a preliminary plan to them and their full board for their review and input Ms Hawkins stated they had met on numerous occasions with representatives of the Myers Park Homeowners Association in order to receive their further input so they could amend the site plan to address their concerns As a result of the input from the Myers Park Homeowners Association, and City staff they have made a number of significant changes to the conditional plan

Ms Hawkins stated these changes include the commitment for the preservation of exterior appearance which is very important The Bar plans to maintain the character of the building, and has made a commitment that there will be no changes or renovations to the exterior facade, other than those associated with routine maintenance The preservation of the front yard and the front door entrance will continue to look like a residence There will be no parking or access from Queens Road onto the front lawn There will be installation of curb, gutter, sidewalk, storm drainage along Luther, which was suggested by C DOT, to make Luther Street more accessible and to provide better access to the parking lot The driveways will be upgraded to City standards and the site plan calls for extensive parameter landscaping and fencing in order to exceed the screening and buffer requirements At the request of the Myers Park Homeowners Association, there is a commitment to eliminate the more intensive and offensive uses which are currently allowed in the O 2 district and have eliminated 30 permitted uses The commitment will disallow a dumpster, reduce the size of the sign from what is currently allowed by code and the agreement to position any new outdoor lighting so that it does not shine onto the adjacent properties

Mr Hawkins stated they feel strongly that they have met the recommendations and suggestions

from all parties involved, giving the stability and public service commitment that is associated with the Bar They feel this use is very compatible with the Cherry Community

James Preston, 2600 Charlotte Place, *stated he had practiced Law in Charlotte for over 30* years The Bar has eight staff members and all of them do not drive to work They are currently using a rented structure in Dilworth which has about 12 spaces and the lot has never been full He has always been able to get a parking space when he goes there The Bar does have committees which meets from time to time throughout the week and these committees may have 8 to 20 members, but generally there have been plenty of parking in the Dilworth location

Mr Preston stated he had been helping the Bar look for a new location for the past three years for a number of reasons, one being to anticipate growth of staff and Bar functions He feels the proposed location is ideal for that It has a large room which they can use for their CLU Seminars Some of the seminars are small and some will be too large to hold in that particular location, but they calculate the average would be approximately 50 people who could attend a seminar at that location Mr Preston stated he had given Council a map showing the property across the street which they have contracted for including leases for 511 Queens Road and the Theater of Charlotte Property The 511 Queens Road property has 87 marked parking space and probably another 10 which are not marked off The Theater of Charlotte property has about 20 spaces and have only about 8 staff who use the parking every day He said all of those parking places are not available all of the time, but most of the spaces are available every day and substantially all of them are available every evening There are about 120 total parking spaces that would be available to the Bar for Seminars and they would have an average attendance of 50 people He believes the parking will be adequate They are paying for the leases for that parking and intend for it to be a long term arrangement and the people leasing the property intend for it to be a long term arrangement also

Mr Preston referred to a letter written by Robert Fuller, talking about this being the threatened edge of a stable neighborhood but he feels the Bar adds to the stability of that edge The Bar is permanent as every lawyer in Mecklenburg County must belong to the Bar and they must pay the Bar dues That not only makes the Bar permanent, but makes it self-sufficient The Bar is dedicated to the preservation of the site and intent to maintain the exterior and virtually all of *the inside as it is They will improve the wiring and plumbing and do a lot of things to make* it a better property, but essentially it will be the same property as has been there for the 60 years He does not believe Myers Park is threatened by the Bar as it is on the edge of the subdivision directly across Luther Street is a different Myers Park subdivision The subdivision which the Pittman property is located has residential restrictions which cannot be enforced under the order of the North Carolina Supreme Court because the character of the neighborhood has changed so drastically, but across Luther Street, the restrictions can be enforced Mr Preston stated they have looked forward to a strong relationship with the Cherry Communities and the neighborhood has supported the Bar in these efforts He also believes the Historic Landmarks Commission will also be pleased with what the Bar intends to do to maintain the property

Mr Preston stated they have tried to cooperate with everybody They have talked with the Myers Park Association with regards to what kind of restrictions they might be willing to have them undertake with which they would be pleased, but they do not want to even talk with the people proposing the change because they simply do not want the Bar there holding seminars He said they would be willing to undertake any reasonable restriction on the use of the property in conjunction with parking

Robert Fuller, 2401 Westfield Road, stated he was President of the Myers Park Homeowners Association This particular property is in the area of Charlotte which has historically been considered a part of the Myers Park Neighborhood even though it is in the Cherry Planning District, because it happens to be on a certain side of Queens Road

Mr Fuller stated the objections the Association has to this particular rezoning are almost exclusively on the basis of parking They have worked with Ms Hawkins to try to insert conditional notes into the site plan that will take care of the concerns of the neighbors with regards to the existing structure and the appearance of the property and have made every effort to cooperate with the Bar, although they have failed to come to some of the meetings when they

were invited to attend He said there is one issue on which they have not been able to reap closure on and that is the issue of parking Basically, the Myers Park Homeowners Association and the neighbors have no objection to the Bar locating an office in this house, but they do have objection to uses being made of the property that will result in parking which cannot be accommodated on the site He said this particular request for their consent to this rezoning has resulted in more opposition, both from the Homeowners Association Board and from the neighboring residential area than anything he has seen in the time he has been on the board The folks immediately next door has filed a protest petition

Mr Fuller stated the history of the area is that it has been residential in use The O-2 or O-6(CD) zoning that is currently on the property requires that the property be used for residential purposes with a small portion of the house being used for Design Studio purposes The requested rezoning, although it does not change the designation of the property in terms of office zoning, allows considerably more relaxed uses of the property and they do not feel it is appropriate to enter into a conditional zoning in an essentially residential neighborhood if the conditions on the site plan do not fully address all the impacts which the proposed use of the property would have on the neighborhood He said this is an area of the neighborhood which is designated to be an endangered fringe area The land use plan for the area specifically says the central goal shall be to preserve and stabilize the existing neighborhoods The residents in the area currently experience a great deal of difficulty with the Little Theater which predates zoning and results in a lot of parking up and down the side streets and in the parking lot of the condos immediately adjacent to this lot They feel strongly that allowing another use in the area that would compound the parking problem would be in advisable and would be inconsistent with the residential use of the neighborhood

Mr Fuller referred to Mr Bledsoe's comment earlier with regards to historic landmarks that the house at 435 East Morehead Street was the last houses left in the area, but he believes if they will look at the history of the Myers Park neighborhood they will see that the neighborhood has receded over time He asked the Council to hear this request and rule on it in a manner consistent with the Central District Development Plan, which was adopted in a calmer setting where the actual planning process can take place without addressing people's needs and emotions

Mr Fuller stated there are 19 parking spaces on site and the Bar wants to have seminars which would have about 50 people attending He stated he had been to the Bar office on East Boulevard and been unable to get a space when he was there to attend routine committee meetings The parking contracted across the street is available unless the owners elect to sell the property The conditional notes on the site plan, as currently drafted, would put the burden of that property not being available for parking, on the neighborhood If that parking goes away, there is no restriction built into the site plan to prevent the proposed Bar center from being used for seminars Even if there were a restriction built in that would allow the property to be used if parking were available across the street, it would not be fully acceptable because the street is very busy, there are curves and there is no crosswalk and a lot of people would park on the same side of the street as the center is located

He said the first note says they would not have more than five meetings per month with more than 50 people That is not a very useful limitation because they could have 49 people as often as they wanted to and they only have 19 parking spaces The second note would allow them to use the site for meetings that would require more parking than is available on site as long as they had off site parking available within 1500 feet This is about five football fields and would extend up to near Presbyterian Hospital He does not believe that is a realistic limitation either The only realistic limitation the Association has been able to come up with is the limitation restricting the parking to what is available on site He believes the owner could sell for the house for a use which would not require more parking than is available on site and would be more consistent with preserving the existing neighborhood

Mr Fuller stated he regrets having to oppose this As a member of the Myers Park Homeowner Association Board, they meet about 4 or 5 times a year and folks come to them requesting their support in rezoning matters and they usually try to find a way to resolve their differences He said they supported a rezoning recently close to the Nalle Clinic which the Council did not grant,

and believes that shows that they do try to be reasonable when they can In this particular case, he feels it is shoe horning a use into a site that is not meant for that site and it would be advisable to act consistent with the long term land use plan and limit parking to on site

Mary Ognovich, 4815 Providence Road, stated she was a property owner at 500 Queens Road and is there to speak on behalf of the Queens Terrace Condominium Association which does include all owners They are opposed to the rezoning of Mr Pittman's property located at 438 Queens Road from O-6 to O-2 because they feel the site cannot accommodate the required parking They feel the overflow will either go on Luther Street, Queens Road or in their parking lot and this will cause unnecessary hazard as far as the safety of the neighborhood as well as cars that will be passing by

In rebuttal, Mr Preston stated if parking really is the problem for the Myers Park Homeowners Association as Mr Fuller said it was, he feels they can limit their use of the property to restrict it to the uses where they have contracted for off site parking He said the letter Mr Fuller wrote says that no function can be had on the property unless they could park all the cars there That means if it was a residence, the owners could not have a holiday party there or if a family member died they could not have friends call on the family He said they have a family and they want to have some visits there and there will be some times in the evening when they would like to have a holiday reception, but that will be very limited He said he understood the main concern was congestion rather than parking, because they have showed the leases where they have the parking There is not much he can do about that except to say it would be concentrated and the cars would be parked in safe places off the street With regards to the residents in the condominiums across the street, their concern is unlawful parking or people using their parking places or blocking their driveway He said they would do the best they could to control that and he believes lawyers are somewhat more law abiding than others, but that is a problem they cannot deal with and if lawyers choose to park there they will work with the Myers Park folks and the Queens Condominium people as well as the Council to try to come up with conditions that meet the parking concern because they also have that concern

Councilmember Hammond stated that Ms Hawkins mentioned the fact that approximately 30 uses had been eliminated from the list of permitted uses in the O 2 zone She said she did not have any idea as to how many uses that would leave

Mr Preston stated he did not either and did not have anything to do with making up the list

Ms Hammond stated she was trying to find out how broad the door is open to other uses other than the Bar or whether they have now gotten it very specific

Ms Hawkins stated the exclusion list was about 30 which was about 2/3 of the permitted uses associated with the office district

Ms Hammond asked if they had looked at the possibility of including only uses very specific to this use?

Ms Hawkins stated they tried to address that when staff brought up that issue Staff wanted them to list the specific uses rather than the excluded uses and as they were working with the Myers Park Homeowners Association, they wanted to see the excluded uses She said they checked with Mr Fields, who told them staff had rather see the specific uses, but it would be okay to show the excluded uses

Ms Hammond stated the purpose is not to narrow the uses to just permit the Bar Association office, to which Ms Hawkins said that is correct Mr Pittman would like the flexibility to be able to accommodate another office use in case something should happen to this contract

Councilmember Martin stated he understood Mr Preston to say they could not control the parking and asked Ms Hawkins if she would agree with that He does not think either party can control the parking

Ms Hawkins stated she did not think that was a completely fair statement because the Bar has

made an attempt to arrange for parking off site in designated areas Since there are no other places to park, other than on site, she is inclined to say the patrons of the Bar will park in the designated areas which would be 511 Queens Road and the Little Theater There will be some parking along Queens Road when it is allowed along Queens Road, but that could be the case with a residential use

Councilmember Wheeler stated she would like to see a copy of the excluded uses, and asked Ms Hawkins if she would send the Council a copy of those, to which Ms Hawkins said she would

Ms Wheeler stated the Council got a letter from Edgar Love dated June 18 which has an attachment about acceptable conditions regarding parking One was that no owner or user of the property shall schedule or conduct events, meetings or seminars where the anticipated attendance would exceed 50 persons at a greater frequency than an average of 5 times per month Another was no owner or user of the property shall scheduled events, meetings or seminars of 50 or more people on week days between hours of 6 00 a m and 6 00 p m if reasonably anticipated parking requirements for the gathering exceed the required available parking She asked Mr Fuller if he had seen those conditions?

Mr Fuller stated they had seen those and the Board addressed those at a meeting about three weeks ago and did not think they were acceptable He said the problem with the first condition is that it does not address parking at all, it simply says they will not have more than 50 people more than 5 times a month and a lot of the seminars draw from 35 to 45 people, therefore they could have as many as they wanted He said the second provision basically says the Bar has to furnish off street parking within 1500 feet That is 500 yards which is a long way and they do not think it is realistic to think someone is going to walk all the way to the proposed site from up around Presbyterian Hospital where they might have an off site use

Mr Fuller stated he had been talking with Mr Lewis Stephens, Mr Pittman's nephew, wrote a letter suggesting that the Bar agree to a conditional note stating that they could only use the site if they had off street parking within a smaller radius and the Bar found that unacceptable He said he believes Councilmember Martin is correct in his statement that even if there was parking across the street, there is no guarantee that they would not park at the Queens Terrace Condos or in other areas that would not be convenient for the neighbors

Ms Wheeler asked if there is any meeting ground between the two? She likes the fact that the Bar wants to preserve that home and that is important to her, but as a resident of the street, and caring for the neighbors who live there, she does not want a lot of traffic on that street if there is not adequate parking

Mr Fuller stated they have tried to reach an agreement on this issue, but they cannot get the Myers Park Homeowners Association Board to approve anything that the Bar Association will approve

Ms Wheeler asked Mr Fuller if it was any more than 19 parking spaces, they did not want the zoning approved, to which Mr Fuller stated that is right He said the first time he had ever seen anything in writing proposed by the Bar with respect to parking was when he got the letter from Edgar Love

Mr Preston stated they met with Mr Fuller ten days ago and asked if there was any point in trying to talk about what accommodations they could make to each other in order for this to happen and Mr Fuller stated to him that there was absolutely no reason for them to talk because there was not anything they would agree to other than the 19 parking spaces on the site He said there has been no motion on the Myers Park Homeowners Association to try to accommodate what he feels is a splendid use of the property Mr Preston stated they have the leases and the parking spaces and are willing to accommodate their use to those parking spaces and that is where the Bar is right now

Ms Patterson stated she heard Mr Fuller say there is no compromise on the part of the neighborhood association and it really is not just about parking, it is just that they do not want this to happen

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Mr Fuller stated the neighborhood has already compromised substantially in terms of negotiating the conditional notes to have a non residential use on the site He said he was a member of the Bar and he had rather not be adverse to the Bar

Ms Patterson stated there is already a non-residential use on the property

Mr Fuller stated the current conditional note requires that most of the property be used for residential purposes and a small part in the back be used for non residential He said he received a letter from Lewis Stephens proposing what he felt was a reasonable condition for off site parking He said he called a Board meeting to try to convince the Board to go along with that and asked the Bar to attend, but they did not come The Board felt it was unreasonable to allow off site parking because the Bar could not control whether the parking will actually go into the lots across the street He said he would really like to see this happen because there is nothing he had rather not do than have a fight with the Bar on this issue from a personal and professional basis When you look at the land use which the plan specifies for this area and you look at the use the Bar wants to make of it, it is just not an appropriate use There are other uses that could be made of this site and Mr Pittman could sell it and get a fair value for his property, that would not involve the need for this off site parking

Ms Patterson stated she went through all the rezonings in Myers Park as a Councilmember and she did not live there then, but lives there now She suspects if the Bar converts this home they will be there for many, many years and that house will stay there She doubts a single family buyer would pay Mr Pittman what he wants for that property She hates to hear that the neighborhood in which she lives is unwilling to talk That is her concern and the Council usually encourages people to sit down and try to talk and she would encourage the neighborhood and the representatives from the Bar to try to talk before the Council votes on this

Ms Wheeler asked Mr Fields what are the permitted uses for this site?

Mr Fields stated there are about 60 uses allowed in the District and about 2/3 of those have been taken out This plan does not specify any changes in the building and the remaining uses are civic, social service and fraternal organization, medical or optical clinic, cultural facilities, dwellings - single family, duplex, triplex or quadroplex, attached multifamily up to 12 units, financial institution such as a branch bank, laboratories within an enclosed building, medical, dental or optical laboratory, general office, parks and greenways, studios for artists, designers, photographers, etc He said that is what would be allowed if they back out of the ordinance all the things which are crossed off on the site plan

Mr Martin asked what assumption does that make with regards to parking? Does it assume that you would never have no more than X number of parkings at any given time?

Mr Fields stated if the site plan were to be amended to change from a general office type, which is proposed to a medical office, then the parking standards for a medical office would have to be adhered to and they are more stringent than general office standards If the use were to be changed from what is being talked about in terms of the Bar Association, then whatever the use is would have to comply with the standards for that type of use

Mr Martin stated with a medial facility you could be a little more certain about what actual parking would occur as opposed to what these gentlemen are discussing

Mr Fields stated with a medical facility, you could not meet a parking requirements on this site for that size building That rules that out if you keep the building in place

Ms Hammond stated if they will look at the history of the property if probably got to be zoned O-6(CD) because the use was very carefully limited to a partially residential use and the remainder to be an interior design office She said she was concerned when she hears the list of uses, because she tends to think that they are opening the door to a broader office construction along that street and what that could mean for adjoining properties or the properties in the vicinity could have some far reaching impacts She would suggest they look very carefully at the opportunities for limiting this use to something very special, but not set

precedent for other homes She can see some good things coming from this if the plan were fine tuned to deal with the problems which have been identified She feels the list of uses are as important as the management of the parking

[Motion was made by Councilmember Patterson, 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. 93-30 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.

The scheduled public hearing was held on the subject petition

Bailey Patrick, 900 Baxter Street, stated the Council heard the basic part of this petition last year and decided in May to allow a conditional zoning on the property at Yadkin and Charles Avenue to accommodate an expansion for Allied Sheet Metal He said there was a very small parcel between the property which was approved and Matheson Avenue The petitioner was able to acquire this property and by doing so it allows him to much better accomplish the expansion than under the prior plan The main reason is that the petitioner was required under the zoning ordinance to produce two 10 by 50 maneuvering truck unloading spaces on the site and that was all being accomplished up front By acquiring this small parcel, he has now been able to move back the facility and place a buffer and landscape area They have also added planting requirements and trees and shrubs are planted along the rear Essentially they have come up with a plan that allows 6,800 feet more in expansion, but more importantly allowed the expansion to accommodate and be more compatible with the neighborhood Because of this he understands staff supports this petition

Councilmember Clodfelter asked Mr Patrick to point out the area that was acquired and asked if there was any structure on that property currently

Mr Patrick pointed out the parcel on the map and stated there was a quadroplex there previously, but it burned and the parcel is now vacant

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

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

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HEARING 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 SOUTHEASTERLY CORNER OF UNIVERSITY CITY BOULEVARD (HIGHWAY 49) AND MALLARD CREEK CHURCH ROAD.

Walter Fields, Land Development Manager, stated the current zoning for conditional office zoning was approved in 1981, is located near the University and was a branch bank at that time The building is still there, but has not been used for a number of years He pointed out some institutional zoning in the area which is the University of North Carolina, as well as some commercial zoning and heavy industrial immediately adjacent to the east between the railroad tracks and Highway 49 The multifamily petitions are recent and have been done to accommodate growth to the students housing nearing the campus and there are older special use *permit type multifamily type projects*

He said the site in question is an abandoned structure There is multifamily on Mallard Creek

Church Road and Old Concord Road with a number of older industrial uses and vacant buildings and vacant lots going to the east along Highway 49 The site plan that currently controls the site is an 1,800 square foot branch bank with a driveway on Highway 49 and two on Mallard Creek Church Road This petition proposes to change the zoning from Office to Retail so the property could be used for anything allowed in the office district and one retail use which is a book store The plan is proposed for a 5,500 square foot building to be used for a book store or any use allowed in an office district The driveway configurations are basically the same as in the old plan and the conditional notes carry forward commitments for right-of-way dedication along Mallard Creek Church Road

Bob Young, 301 South McDowell Street, stated he was there to speak on behalf of the Petitioner, NationsBank and is also joined by a number of other representatives who have been involved in this, including the contract purchaser of the site, Gray's College Bookstore

Mr Young stated the existing zoning on the property is O-15(CD) Although it has been vacant for a number of years, it obviously in the past has been a branch bank facility and as such the branch bank is one of the most traffic intensive uses in the community, along with fast food restaurants It probably has been the most intensive office usage for the size that it could possibly be on this site With regards to land use, this is a commercial spot or a location for commerce Just across the street on the corner there is a BP Service Station Across Mallard Creek is some industrial zoning and there is a Circle K Convenience Store The fourth corner is zoned institutional and is used in conjunction with the University and very close by is a large parking deck The intersection, including this site, has been a non residential area and a location for commerce and has been recognized as such for quite a number of years

Mr Young stated they are requesting the zoning be changed from the current Office to a B 1(CD) There is one retail use which this plan will allow and that is the Gray's College Bookstore It is the only retail which this plan will allow The name implies that this would be an additional bookstore or a competitor to the on site bookstore at UNC Charlotte Although there will be some popular titles and some things that would attract the general population, it is a college bookstore that will cater to the facility and especially to the students and their needs Because of its location and its use, he said they have talked with officials of UNC Charlotte and they do not have any opposition to this rezoning and feels they view this as a positive rezoning as an added amenity and feature for their faculty and students

Mr Young stated he had talked with Walter Schultz, the real estate broker and asked him to give a little history of the property This property has been on the market for a number of years and though there has been a lot of calls, most of those have focused on very intense retail uses such as restaurants, fast food and sit down varieties, bars and lounges, etc NationsBank has not considered those uses to be appropriate and with the contact by the college bookstore, they felt this was an appropriate use and it was complimentary to the area Mr Young stated he feels this is a very complimentary use for the area

The staff has indicated in their report that there are no problems or issues This is a very small site, less than one acre in size at approximately 8 of an acre It is the plan to remove the existing modular building and construct a new building on the site to be used as the bookstore They will utilize the existing driveways and will upgrade at least two of the three driveways, they will be dedicating additional right-of way and will be observing the new buffer requirements, landscaping, etc They recognized the fact that there might be some concern about signage with the retail use so they have volunteered to restrict the sign to a very small monument type sign and there will not be a pole sign to identify this property He feels that is in keeping with the area The staff did draw to the bottom line conclusion that they were opposed to this principally on the basis that it did not comply with the long standing or more recent plans and policies for the area and felt like this zoning would create additional pressures for other rezonings in the area Mr Young stated if you examine the rezoning record in this area dating back to 1968, for the last quarter of a century, there have only been two residential rezonings in this immediate vicinity, one in 1970 and the other 12 years ago which is the site in this proposal During the decade of the 1980's when they saw a lot of growth in this area, almost all of the zonings dealt with multifamily or special use permits that dealt with multifamily Therefore the history of the market place have been toward things that are

residential that are multifamily and that are not non-residential

Mr Young stated in the staff report they made mention of this rezoning in 1981 and actually lifted from the 1981 report some verbiage Apparently there was some concern at that time about the change at this site for the office zoning The report indicates that the favorable rezoning with office at this site at that time should not be viewed as an undermining of the University policies and goals of area plans in effect at that time But, if you examine the record, that is exactly what happened They have not had an influx of non-residential rezonings He does not feel that this change will undermine the plans and policies which have been in effect in this area either through the years or more recently through the Northeast District Plan If you consider its location, at an intersection with a major thoroughfare and a minor thoroughfare, if you will consider the history of the non-residential zoning, they are simply going from one non-residential use to another non-residential use, if you would consider that they are going from a specific site plan under the current zoning to another specific site plan, and if they would consider that this is a very small piece of property and not a large 20, 30 or 50 acre tract, he would hope the Council would consider and come to the conclusion that this type of change is not a dramatic departure from what has been associated with this site and what has been complimentary to this site

In summary Mr Young stated they have talked to the University, they have been active in the area and they are not opposed to this rezoning He would deem this to be a less intensive use than the property has been used in the past The property has been in a state of decline and this is a grand opportunity to return it to a functioning use, to upgrade its use and its looks in terms of screening and landscaping, to do all those things in a positive manner and to come to the conclusion that in fact this is a complimentary request to the area and he would ask for the Council's approval on this matter

Councilmember Hammond stated the Council received a map which is very limited in its scope and shows the intersection of Mallard Creek Church Road and Highway 49, but it really does not move down in front of the University toward Tryon Street She does not think there is a shortage of retail in this area, but an enormous amount of retail there If this rezoning is justified, it is not justified on the shortage of retail She asked Mr Fields if he has a map that would give a broader scope of the area

Mr Fields stated they try to include maps that focus on the immediate area He pointed out on the map the location of the site and stated there are a couple other commercial uses in the area He also pointed out the non-residential zoning in the area Directly across Mallard Creek Church Road there is a substantial amount of land zoned for the most intensive, least restrictive use, I-2 and further to the east is a pattern of business zoning, but the land use map shows that all of that property is unutilized for retail purposes Town Center Shopping is located at the intersection of Harris Boulevard, has been there for a number of years and is identified in the plan as being the focus for retail for the University area There is a space out there that Brendle's is moving out of and he is sure they would like to lease that site to somebody He said he would agree that there seems to be a lot of retail zoning in the area, but they will have to decide whether or not there needs to be one more

[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. 93-32 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 scheduled public hearing was held on the subject petition

Fred Bryant, 1850 East Third Street, asked the Council to read the support statement regarding this petition He said this property currently has two older commercial structures and one residential structure It is now zoned a combination of B-1, B 2 and R-4 The petitioner wants to place the property under a controlled type of plan which would upgrade the existing structures, add a small amount of additional space to make the building area more leasable and a small amount of office as transition between this site and the adjoining residential and basically create a planned use of this property rather than the current jumbled unplanned usage After this has occurred, the retail building will be 100 feet from the adjoining property, which is a church, it will be separated by 60 feet of open space He asked the Council to look at the plan and see if they do not agree it is better than what is currently on this site

[Motion was made by Councilmember Hammond, 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. 93-33 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), ADJACENT TO FREEDOM VILLAGE SHOPPING CENTER (PUBLIC LIBRARY-WEST BRANCH).

The scheduled public hearing was held on the subject petition

[There being no speakers either for or against, a motion was made by Councilmember]
[Wheeler, 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. 93-34 BY MR. AND 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 scheduled public hearing was held on the subject petition

Walter Fields, Land Development Director, stated there was reference in the staff analysis to some unresolved transportation issues, but he has been advised by C DOT that those are now resolved

Saxby Chaplin, 1507 Myers Park Drive, stated he had been working on some transportation issues and he believes those have been resolved

[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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MOTION TO EXCUSE MAYOR VINROOT AND COUNCILMEMBER CLODFELTER, FROM VOTING ON THE NEXT ITEM.

[Motion was made by Councilmember McCrory, seconded by Councilmember Wheeler,]
[and carried unanimously, to excuse Mayor Vinroot and Councilmember Clodfelter from]
[from voting on the next item due to a conflict of interest]

HEARING ON PETITION NO. 93-35 BY THE FOUNDATION OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, INC. AND THE CROSLAND GROUP, INC. 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 scheduled public hearing was held on the subject petition

Councilmember Wheeler stated she wanted to publicly thank the UNCC Foundation and the Crosland Group for honoring their commitment to her to reduce the retail by 150,000 square feet

[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 NO. 93-36 BY 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 ELEMENTARY AND SECONDARY SCHOOLS.

The scheduled public hearing was held on the subject petition

Councilmember Patterson stated she has a vague recollection that the Council was not happy about the way this came to them last year because there was not good planning as to where these mobile units would go and how they were buffered Now this is the end of June and they are back doing the same thing She said she was getting ready to leave the Council and it does not matter to her if the Council wants the School Board coming in every June and jerking them around like this, but it just does not seem like the best way to do this and she feels the Council should help the School Board develop a best way to do this She understand they do not know exactly where they are needed until late in the year, but this is uncomfortable with her She said she has had a certain school complained about by its neighbors because of the increase in mobile units and the non-buffering, etc She asked Mr Fields if this is the only way they handle this matter with the School Board?

<u>Walter Fields, Land Development Manager,</u> stated he understands Ms Patterson's feeling Last year it was actually one month later when they ran through an amendment in three weeks and voted on it the same night that had a sunset provision on it That went away in January and staff begin reminding the school staff and their attorneys that they needed to get on with this They got a late start with the school staff and the Planning staff agreed with the school staff to divide the problem into a manageable piece and then the rest of it This represents the manageable piece or what the School Board needs to do business There is no sunset provision in this unless the Council wants to add one It contains a little flexibility for the School Administration in terms of meeting the buffer standards which would normally be applied if they got a building permit and built a new building Because the mobile class room is "mobile" and can be here one day and gone the next, this text amendment gives the School Board a one year

grace period If they move a classroom onto a site and they are not sure it is going to stay, they do not have to spend the extra money to meet the buffer standards at that point in time, but if after 12 months that classroom is still there, then the buffer standard kicks in The School Board has agreed to abide by this

Mr Fields stated there are substantial standards that go beyond the short run situation There has been concerns expressed to the Planning Staff by the School Administration of the ordinance requirements in terms of access, particularly as it applies to existing school sites, in terms of how they can expand a non-conforming school, in terms of the site size and its relationship to adjoining properties He said many of the Council Members have been on Council long enough to have gone through a series of incidents and questions with regards to large uses, institutional type uses in residential districts, and they have been talking since 1986 about the need to take a comprehensive approach to these large scale uses He said this petition is not any of that, but is just what the School system needs to be able to do business in the fall of this year For that reason staff brought it to the Council in that fashion but they are recognizing and acknowledging, as does the School Board, that there is a long agenda of controversial items hanging around in terms of not just public schools, but private schools and other institutional uses in residential districts, such as large churches which they will have to face up to and devote some time to it at some point in the near future

Ms Patterson stated she wanted to be cooperative with the School Board, and what she understands Mr Fields to say is that this addresses it for this year and it puts the buffer on if the mobile units are there a year from now, and next year they will be back with a new batch or will this take care of that

Mr Fields stated they may be back sooner than that This is something which the liaison committee has had some discussion on from time to time, but it is an issue which, while they know it is good for them, it is bad tasting medicine and they are reluctant to get into it because there are going to be some controversial issues which will surface and will have to be dealt with in some fashion

Councilmember Martin asked if these issues which need to be dealt with are in the Planning staff's work program for this fiscal year?

Mr Fields stated this particular issue is not, but there is a long lists of text issues which came out of the adoption of the Zoning Ordinance relative to a wide variety of things

Mr Martin stated he understood Mr Fields to refer to schools and churches and wonders if that was in their work program

Mr Fields stated that is not something they anticipate getting into at this point in time, knowing what they know

<u>Gloria Fenning, Zoning Committee,</u> stated she has been asking since she was appointed to the Planning Commission when they are going to have the school ordinance She feels they need an ordinance or some kind of police that addresses all of these issues and it needs to be on their work program now, not later

Ms Patterson stated she gets the sense that the reluctance to begin this conversation is not on the Council's side of the street

Mr Fields stated he did not think that was entirely fair because there are issues which deal with churches and some of the folks the Council has heard tonight worrying about problems with the Bar Association seem to have similar concerns about churches If they open this up for discussion it is reasonable to assume that all of those issues are going to hit the table and there are going to be some tough decisions

Councilmember Clodfelter stated it is not on the Council's side, but they may be responsible for the difficulty in getting it moving The Council may not be reluctant to get it moving, but makes it difficult for the process to start He said about two months ago a member of the

School Board surfaced this issue by saying they had a problem and they have not fixed it yet and members of the Liaison Committee asked where the Board had been all year because they were told they had a year to fix this That part of the issue is not on the Council's plate, but what is on their plate, although a work program gets set the Council and the Board of Commissioners are constantly throwing items onto the Planning staff and telling them to do this or that now and do this yesterday and the Council does not tolerate it when the Planning staff says they already have a work plan which the Council had already requested things be done It requires a little thought on the Council's part about what they are asking the Planning staff to do if they really mean they want Planning staff to work off a list of priorities which they have given them They need to let them work on those priorities and not continually dump something on because somebody stands up in front of a microphone and because Council wants to look good that night, directs the Planning staff to do that certain thing the next day

[Motion was made by Councilmember McCrory, seconded by Councilmember Reid, 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. 93-37 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.

The scheduled public hearing was held on the subject petition

Gene Davant, 2135 Sharon Avenue, stated Habitat is interested in this property to change it to residential The property has been vacant for many, many years and they are interested in putting Habitat homes on the property and improving the neighborhood in that manner The site is covered with trees and brush and inhabited by winos It is an interesting visit to take a walk through this site to see what the life style is like there The neighborhood is full of vagrants and drug dealers and Habitat is building 23 homes in one week in October of this year They would like to take the worst part of Belmont and change it They want to, intend to, can and have done so in that neighborhood and they would like to have this site in order to do this and hopes the Council will vote in favor of this rezoning

Coy T. Allred, 1427 Carolyn Drive, stated he was there representing the property at 1106 Van Every Street, and said the Allred Family is opposed to the rezoning of this property The property is adjacent to a large commercial bakery on the left and back side Not only does it border the commercial bakery, it also is bordered by railroad tracks and the City Sanitation Department Parking Lot He asked why Habitat for Humanity would want to rezone this property for residential use when they do not even own the property The property is in an estate and wonders what it would do to this industrial property Mr Allred asked if anyone on Council or Planning Commission had seen the property?

Councilmember McCrory stated he had not seen the property but plans to see it before the Council votes on this rezoning He asked about the current state of the land with regards to the shrubs, etc

Mr Allred stated there are large pecans trees and brush on it He said he tries to keep it cleaned off, but the bakery continues to throw trash over the line Most of the trash is in an alley way between his property and the bakery which is on City property

In rebuttal, Mr Davant stated the property has been vacant since 1965 and he has looked back at the maps to try to find out why it has not been used as industrial property He said a sign painter bought the land almost identically across the street in the mid 80's and he realized the neighborhood was so bad that he would not put his paint shop there He said he was buying that property and the owner was happy to sell it to Habitat

[Motion was made by councilmember Hammond, 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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SEPARATION REQUIREMENTS FOR GROUP HOMES

Mayor Vinroot stated they have a report from the City Attorney regarding this and asked Mr Underhill if he wanted to speak to the Council regarding this matter

Henry Underhill, City Attorney, stated at the June 14 meeting citizens asked the Council to assist in dealing with a recent Zoning Board of Adjustment decision with regards to a group home at 1120 Yale Place He said the Council asked the staff to look at this situation and put the matter on the earliest possible agenda He said he was able to get the report together in time for tonight's agenda so the report reveals what the Planning and Legal staffs have been able to pull together for the Council's discussion and consideration

Councilmember McCrory stated that Will Miller is President of the Freedom Park Neighborhood Association and contacted several of the Councilmembers this past week He said it looks to him as though they should give this an opportunity to allow the neighborhood group to work with the homeowner to see if they can work out a compromise without the government having to change the current rules He feels there is still an opportunity for discussion and compromise and he would recommend the Council allow that to occur

Councilmember Wheeler stated she also talked with Will Miller and Betty Turner last week and Betty Turner, who were speaking for the petitioner who wanted the Council to over rule the Zoning Board of Adjustment, stated that they would be willing to call a meeting with the Freedom Park Neighborhood Association and with the Group Home and try to come up with a compromise She said Betty Turner and Loren Steele would also work with Alex McMillan's office to see what they could do about the HUD grant and get more time on it if they could She said she had offered to meet with these people to see if they can come up with some kind of compromise on this issue

Councilmember Patterson stated no matter what the neighborhood works out, they have a legal problem which cannot be fixed by the neighborhood She said she had talked with the City Attorney and would suggest that the neighborhood begin meeting with Ms Jones, the owner of the property, to see if they can resolve their issues She said the Council's only opportunity to do anything about this would be to move in the direction of Option #2 in the report, modify requirements for nonconforming use The other option was to change the separation requirements, which she really does not believe the Council wants to do Another approach might be looking at a spacing requirement as a standard which, if everything else was met they could make an exception for In order to do that the Council would have to have this on an agenda, hold a hearing on this as a specific item The only group homes it would ever apply to are currently grandfathered group homes She feels that is the only way the Council could over ride the Zoning Board of Adjustment on this issue, otherwise, whether Ms Jones and the neighborhood talk or not, Ms Jones will not be able to do anything at that location

[Motion was made by Councilmember Patterson, seconded by Councilmember Reid, to]
[put solution #2 on the July agenda for a public hearing]

Ms Patterson stated this would give a month for the neighborhood, Ms Jones, McMillans office and everyone to work on this They may find that there is not a solution to this and it gives the Council an option of voting it up or down in August

Councilmember Wheeler stated she agrees with Ms Patterson and is encouraged that there will be some work with Congress McMillan's office to try to do something about that Grant because that is Ms Joneses problem

mpl

Councilmember Clodfelter stated he feels Ms Patterson's suggestion may be the best in a bad situation, but they are in this fix because a year ago they adopted the quarter mile rule He said he was not a very happy supporter of the quarter mile rule and was not sure the Council had thought it through carefully It came to the Council not as a well thought through, researched part of the text in the Zoning Ordinance, but came as a privately initiated text amendment It has set in place a chain of events that has led to this situation that has led to problems with the other incidents, and a third group home Mr Clodfelter stated that somewhere along the way when the State government stopped institutionalizing people 10 to 15 years ago, they forget that there needed to be some understanding in the community that if people were not going to be sent away to state hospitals and state institutions anymore that meant they were going to live in the neighborhoods That is the transition on which the Council has never focused He said he does not like the way they are dealing with this piecemeal and feels Ms Patterson's suggestion is the best, but it will not solve the problem, just like the quarter mile rule did not solve the problem

Mr Clodfelter stated the Planning staff does have on its work program, as a very high priority item to revisit the question of how the ordinance treats, not only group homes, but also boarding houses and other kinds of congregate or shared living facilities There is a perception from the neighborhood groups that these are operated like institutions or businesses, but on the other perspective, they are operated like residences because they are people's homes He does not think they have found a good policy solution to this matter, but he hopes they will not continue to ad hoc text amendment after text amendment but will allow the Planning staff to work on that high priority which is the second highest priority after the overlay district

Councilmember Mangum stated this issue is a highly emotional issue and that is one thing the Council has to be careful about He said he has a 46 year old brother that is at home with his 75 year old parents and will be there until they die, however, he feels the Council has a commitment to this community to make sure they do not turn all the neighborhoods wide open to allow for anyone to go in and set up any type of home in any type of a situation without having controls and preserving the right for people who live in neighborhoods to enjoy their neighborhoods There can be some dramatic times with children being next door or across the street from these facilities that have terminally ill people in them and seeing morgue trucks pulling up and taking people away in body bags That has as much of an emotional issue involved as some of the homes He said he was trying to caution the Council they are very sensitive to booth sides of this issue because it is a very tough decision to make It is something they need to look at as a whole and study the issue and not just out of their emotions approve this one

<u>Frances Ambrose, 1126 Yale Place,</u> stated she appreciates the Council listening to the problems they have in the neighborhood This is a unique situation because of a new home which is proposed at 1920 Yale Place which is right on the property line of her house She said this home is in the back portion of the property where the present autistic home is located at 3201 Park Road The combined effect of a group home next to a facility that is already at the highest use would be a boarding home and would create unwarranted difficulty in the street Up to six people could live in the present facility and there is talk about establishing a larger home on the same piece of property Ms Ambrose stated the street is narrow and there are 23 homes with approximately 1,200 square feet The proposed home is 2,900 square feet and will have six separate bedrooms There is restricted parking on one side of the street and the trucks and vans as well as the people who help at the group home causes a lot of traffic congestion At times there have been 15 cars line up on the street from Park Road down to her house They have a change of staff about 10 00 p m and there is a lot of noise and disturbance when the staff is changing

Ms Ambrose stated she understands that the HUD grant for the home on Yale Place was originally assigned to another location in the Oakdale Community She understands this grant was transferred to Yale Place at the request of Ms Jones The grant may be transferable back to the original site to which it was intended, but it should not be a case of extra ordinary action on the part of the Council for this particular case She asked the Council to abide by the rules of the Zoning Committee which are in effect at this time

<u>Bill Stogner, 7800 Knollwood Circle,</u> stated he was a parent of a 24 year old autistic son which

lives in his home right now He said he very well feels for Ms Ambrose and for the things she is saying He said he was the first president of Mecklenburg Autistic Group Homes and was president for 9 years He is currently a Board Member and has been since 1979 except for one year and is co-chair of the residents rights or Human Rights Committee He said he is in all of the homes every month They are a non-profit board composed of many volunteers who spend many hours trying to make some kind of a life for their autistic children He said they are children, even though they are adults

Ms Stogner stated his concern was Ms Ambrose's concern and all the concerns of their neighbors They do not only want to be a neighbor, but want to be a good neighbor and they have addressed that issue for many, many years, especially in the early years because they were a controversial group They were the first group home in the nation for autistic adults and this community should be proud They were not only the first group home, but are a nationally recognized group home, and an internationally group home and serve as the role model for Japan and France He said he has great concern when he reads articles such as the one in the Observer today As a Board Member he wants to find out exactly what is going on

Mr Stogner stated he also has a concern about the loud music He thinks she was talking about the change of staff and the loud music and radios and was not discussing their clients because they cannot handle loud

He said he had heard some very wise things from the Council and he can sympathize and agree with the predicament in which they find themselves, but the mathematics are this They have five clients in three bedrooms and they are adult men They have an opportunity to improve the situation they are in and he asked the Council to use their imagination as to why he wants a bedroom for every man He hopes there is room for compromise and Mecklenburg Autistic Group Homes certainly want to compromise and work with the neighbors and be good neighbors no matter where they have their homes

Eleanor Barnhart, 1438 Devon Drive, stated she was there on behalf of the Freedom Park Neighborhood Association and the Council has granted what she came to request, which is a postponement to give them time to work with the various parties

The vote was taken on the motion to put this on the July Zoning Agenda and carried unanimously

Mr Underhill stated that since the Council has taken this action, when they get to Agenda Item No 27, which is the resolution for hearings to be heard in July, they should included this item as Petition No 93-44 and the City Council will be listed as the Petitioner

The meeting was recessed at 8:05 p.m. and reconvened at 8:15 p.m.

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ORDINANCE NO. 3578 FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE FOR THE PURPOSE OF MODIFYING THE VESTED RIGHTS PORTION OF THE ORDINANCE.

[Motion was made by Councilmember McCrory seconded by Councilmember Scarborough]
[to approve Petition No 93-14 by Real Estate and Building Industry Coalition for the sub]
[ject Text Amendment, as modified, as recommended by the Zoning Committee]

Councilmember Majeed asked if they were talking about 2 to 5 years?

Councilmember Hammond asked if that still goes through the CD zoning process, to which Mr Fields stated that is correct

The vote was taken on the motion and carried as follows

mpl

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

The ordinance is recorded in full in Ordinance Book 43, at Page 104

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ORDINANCE NO. 3579-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR A 1.17 ACRE SITE LOCATED ON THE NORTH SIDE OF WESTINGHOUSE BOULEVARD EXTENSION EAST OF KINGS BRANCH CREEK FROM I-2(CD) TO I-2, FROM R-12MF TO I-2(CD) AND FROM R-12MF TO I-2.

[Motion was made by Councilmember Scarborough seconded by Councilmember Wheeler]
[and carried unanimously, to approve Petition No 93 16 by Lance, Inc for the above]
[zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43, at Page 110

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ORDINANCE NO. 3580 FOR A TEXT AMENDMENT OF THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE, TO PROVIDE FOR THE PROTECTION OF PUBLIC WATER SUPPLIES.

Walter Fields, Land Development Manager, stated this was a part of a package of amendments dealing with the Mountain Island Lake Watershed With regards to all of these, the City is under a July 1 deadline from the State, according to statute which established these regulations The Zoning Committee voted unanimously, for the zoning text amendment and for the map which accompanies it, but with regards to the subdivision text amendment, there was a split vote and the Planning Commission Rules of Procedure require that there be four affirmative votes for an action to be sent to the Council This is recommended as a matter of the process and not as a matter of a conscious decision to recommend that it be deferred for 30 days

Mr Fields stated the subdivision text amendment picks up those portions of the regulations which would apply to properties being subdivided The zoning regulations deal with the use of the property and the map amendment establishes the geography Mr Fields stated he could not officer any more information than the Zoning Committee gave the Council at dinner on why they voted favorably on two of the amendments, but were unable to reach a decision on the third one He said he would encourage the Council, in order to meet the State's deadline, to be prepared to vote on this one as well as the other two

Councilmember McCrory stated since there are state standards and the Council is making recommendations as additional standards, who enforces these?

Mr Fields stated with regards to the subdivision regulations the Planning Commission is the designated enforcement agency for the subdivision ordinance for both the City of Charlotte and Mecklenburg County Therefore the subdivision process starts and ends with the Planning staff He said the erosion and sedimentation ordinances come into play with the subdivision regulations They have had some information from Jim Schumacher, Engineering, about the extent to which the BMP's that might be a part of a subdivision development, are also controlled by this text amendment and with regard to that the new Stormwater Division of the Engineering Department will have enforcement powers on that portion of the ordinance The enforcement of the subdivision ordinance is spread over several different agencies The Planning staff does the process, but the City Engineering Department does the inspection and enforcement with regards to detailed engineering standards

Mr McCrory said Mr Fields has said these are very slight changes

Mr Fields stated the City has no subdivision standards presently which deal with watershed regulation He said what they discussed at dinner was the difference between Option A and Option B

Councilmember Hammond stated a rather in depth study was done by the County on the Mountain Island Lake Watershed and ended up recommending standards somewhat higher than the state minimum With the Lake Wylie watershed that study is under way, but not completed The County has a deadline of January 1 to adopt their ordinances, therefore they are not behind, but the City is dealing with the same watershed which the County will be dealing with and the City must adopt their ordinance by July 1 It seems to her that Option A and B pretty well summarize the two different philosophies you can take on this One is that you start off with Option A, adopting the state minimum standards and after the study is done, if the study recommends higher standards, then the Council should revisit and essentially tract what Mecklenburg County is doing They could start off with Option B which is a little more restrictive than the state minimum standards, wait for the study to come through and then revisit their regulation if the study recommends the state minimum standards In thinking through this she could probably argue it either way, but she knows from experience that once they have standards in place it is really hard to tighten them up It is a lot easier to loosen them, just because of the pressure from the community It seems to her the more cautious approach would be to adopt Option B which is a little higher standards and consistent with Mountain Island Lake, but with the proviso that at the completion of the County's study, if the outcome suggested that the state minimums were all that were needed, then that item would be brought back to the Council to reconsider in light of the County's committee finding

[Motion was made by Councilmember Hammond, seconded by Councilmember McCrory]
[to adopt Option B with the engineering language on BMP's and with instructions to the]
[staff that if the outcome of the County study differs from Option B, that it be brought to]
[the Council's agenda for consideration of a change at that time]

Councilmember Majeed asked if that was adopting the state standards on the percentages with or without BMP's and high density?

Ms Hammond stated it is adopting something a little more restrictive than the state standards, 50% built upon with BMP's rather than 70% built upon with BMP's

Mr Majeed stated he understands it is 24% without MBP's, 50% with BMP's in a critical area and high density 70% with BMP's

Mr Fields stated there is no critical area involved He pointed out the area on the map which is most closely aligned with the area that is in the County's ordinance called protected area 1 It is not the critical area, but is the next area up The state minimum in terms of the percent built upon would be 24% for the low density option and 70% with BMP's for the high density option Option B, the slightly more restrictive version, is the same 24% for the low density option and 50% for the high density option with BMP's That is the difference with regards to the area built upon With regard to buffers, which are the areas adjacent to the lake and adjacent to the water courses which feed into the lake, Mr Fields said in Option A the buffer requirement in the low density option is 30 feet and in Option B, the buffer requirement in the low density option is 50 feet In both options for the high density options, the buffer is 100 feet With regard to use restrictions, and this is the only place where there is a difference with regards to use restrictions, and this is in the zoning part and not in the subdivision part, under Option A, there are no use restrictions and is whatever the underlying zoning allows In Option B, it is slightly more restrictive in that new private wastewater treatment plants or new industrial process discharges which require MPDES permit would not be allowed Existing ones could remain, but new sources would not be allowed You could not locate a landfill or a demolition landfill nor would you be able to do land farming of certain contaminated soils, such as petroleum contaminated soils A process to deal with that is to spread it out over the ground and let the petroleum evaporate out of it

Mr Fields stated it is true that Charlotte does not currently get its water from Lake Wylie, but Belmont does He said they are not just dealing with their own water supply in the future, but

it is dealing with an existing water supply in that portion of the lake

Councilmember Mangum stated they were dealing with this same thing a couple years ago and at the time it seems to be aligned with the idea of purchasing the property up there and turning it in to more or less a wild life area, for buffers and asked if all that fell apart?

Mr Fields stated about $6 5 million of our tax dollars was spent and bought a lot of land up there

Mr Mangum stated they can ask for something higher and come back and lower it anytime you want to, but if you ask somebody for $20 and then go back and ask for $30 you will not get it It is easier to ask for the higher regulations now than try to do it later He said they are asking the state to make a decision on Charlotte's water and what the future water will be like in this community compared to the City doing it They have talked about home rule before and allowing the state to give them home rule back, and this is one issue they should not turn over to the state and asked them to make a decision It should be the Council's decision and their responsibility

Councilmember Clodfelter stated he does not disagree with what Ms Hammond or Mr Mangum express, but there is a difference balance of factors that leads him to prefer to go with Option A When this came before the liaison committee originally, the only text amendment they had was Option A and believes the staff was preceding on the assumption that in the absence of knowing what the study committee was going to propose and how it might or might not differ from Mountain Island Lake watershed and what the County might or might not do with it that, the interim holding pattern course of action was to take the state standards and apply them locally The reason Option B got on the table for discussion in the liaison committee was that there was some question about whether the County had or had not intended the study results from this task force to apply to Lake Wylie as well as Mountain Island Lake

Mr Clodfelter stated he recognizes that he is not the expert on this and the County Commission has spent a great deal more time and have gotten a great deal more citizen advice, and study on this issue than the Council has He would like to follow the County's lead on this because most of this watershed is in their jurisdiction and not the City's, but because of the different state laws the City has to act by July 1 and the County does not have to act until January 1 He would like to get so much ahead of the County and dictate what direction to them the way things should go They may or not choose to do the same in the Lake Wylie area as the Mountain Island Watershed and he is more inclined to go with Option A in order to communicate the right signal to communicate to the County Commissioner for the interim holding period for the next six months He said he has a concern about Option A and that is which jurisdictions take drinking water from Lake Wylie and what have they done He has confirmed that Belmont, who get their water from Lake Wylie, has adopted the state standards and those are already in force in Belmont He does not think Option B is damaging to that, but feels they would be consistent if they adopted Option A and would not be treading on Belmont or on its judgement for appropriate water classification standards for where its draws its drinking water He would suggest that what ever motion they pass that they put a sunset on it after the first of the year so they can revisit it after the County comes up with their regulations for Lake Wylie

Councilmember Wheeler stated she would like to adopt Option A because she is concerned about the watershed and Belmont's quality of water, but also knew they had adopted the state's minimum standards She said they have a committee who is studying the entire watershed and it seems to her they should wait to see what they come up with This can be done if they take Mr Clodfelter's suggestion of the sunset provision

[Substitution motion was made by Councilmember Wheeler, seconded by Councilmember]
[Scarborough, to adopt Option A with a sunset for January 1 and tighten up if the County]
[goes tighter]

Councilmember Martin stated he supports what Ms Wheeler and Mr Clodfelter have said He asked if there were any dialogue between neighboring counties and/or cities such as Belmont on this issue before it was put on the agenda?

mpl

Mr Fields stated there have been years of discussion with regards to the County's watershed policy for Mountain Island Lake and as he stated at the public hearing, staff did not have the luxury of three years worth of time to develop this policy for the City and indeed the City has no policy except for one policy statement which the Council voted on sometime ago, recommending that the state classify Mountain Island Lake as a WS-3 At that time the Council was arguing for something more restrictive than the County was arguing for This sounds like a different view point and who ever votes first, sets the lowest common denominator for everyone else and he is not sure that is necessarily true He said they did not take an inventory of how everyone else voted They put together a policy

Mr Martin asked if the County took any action on this at all, to which Mr Fields stated the County adopted virtually these identical regulations for their PA-1 in the Mountain Island Lake Watershed and that is what his staff modeled these on It is the same kind of area with regard to the state standard and baring any policy direction from the Council to the contrary, staff simply transferred that same policy in ordinance form from the County's version to the City's version that does keep the two areas the same

Mr Martin said if they are going to let the County take the lead on this, would that not be inconsistent?

Mr Fields stated the County appointed their committees today and they do not plan to meet the state's deadline The schedule which they have already adopted to deal with both the Lake Wylie and Lake Norman Watersheds carry them on into April before they start looking at a draft ordinance

Mr Clodfelter asked what happens if the City does not meet the state's July 1 deadline?

Henry Underhill, City Attorney, stated his understanding was that there are no monetary penalties associated with failure to do it, but the theoretical danger is that the state would come in and impose its regulations

Mr McCrory stated he disagrees with Mr Fields and feels it is much more difficult to roll back government regulations as opposed to add on to it He would go with the state's standard

The vote was taken on the substitute motion and carried as follows

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

Mr Fields asked if this included the City's Engineering Department language dealing with BMP's, to which Mayor Vinroot replied yes

The ordinance is recorded in full in Ordinance Book 43, at Page 113

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ORDINANCE NO. 3581 FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ESTABLISH A CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY DISTRICT.

[Motion was made by Councilmember Hammond, seconded by Councilmember]
[Scarborough, to adopt Option A with the City Engineering Language, with the sunset]

mpl

Walter Fields, Land Development Manager, asked what sunset provision the Council wants? Councilmember Clodfelter suggested they key themselves for 30 days after the County action or to the County schedule

Mr Fields asked if they wanted actual language in the ordinance that sets the sunset, tying the City's action of another elected body

Mr Clodfelter replied no, they just want to make sure it comes back on the Council's agenda

Mr Fields stated they do not need a sunset provision in the ordinance to bring it back He hears what the Council is saying and will bring it back

The vote was taken on the motion and carried as follows

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

The ordinance is recorded in full in Ordinance Book 43, at Page 119

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ORDINANCE NO. 3582-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO ESTABLISH THE CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY DISTRICT, FOR APPROXIMATELY 1,950 ACRES WITHIN THE CHARLOTTE CITY LIMITS LOCATED WITHIN THE CATAWBA RIVER/LAKE WYLIE WATERSHED PROTECTION AREA GENERALLY NORTH OF MT. HOLLY ROAD AND WEST OF OAKDALE ROAD.

[Motion was made by Councilmember Wheeler, seconded by Councilmember Martin, to]
[approve Petition No 93-20 by Charlotte Mecklenburg Planning Commission for the]
[above subject overlay district as recommended by the Zoning Committee]

The vote was recorded as follows

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

The ordinance is recorded in full in Ordinance Book 43, at Page 130

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PETITION NO. 93-22 BY MALCOLM AND BESSIE BLANKENSHIP FOR A CHANGE IN ZONING FOR A SITE AT THE END OF HEATHWAY DRIVE BETWEEN NORTH TRYON STREET AND OLD CONCORD ROAD, DENIED.

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 Patterson, seconded by Councilmember Wheeler,]
[and carried unanimously, to deny the petition seeking to rezone a 16 acre site at the]
[subject location from R 3 to R-MH, as recommended by the Zoning Committee]

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mpl

PETITION NO. 93-24 BY DERRICK B. KNOX FOR A CHANGE IN ZONING FOR A SITE ON THE SOUTHEAST CORNER OF NEVINS ROAD AND EARGLE ROAD, DENIED.

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 Scarborough, seconded by Councilmember Martin]
[to approve the petition seeking to rezone approximately 1 035 acres at the subject loca-]
[tion from R-12MF to B-1(CD) as recommended by the Zoning Committee]

The vote was recorded as follows

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

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ORDINANCE NO. 3583-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR SEVERAL PARCELS LOCATED AT THE INTERSECTION OF EAST 7TH STREET AND PECAN AVENUE AND EAST 7TH STREET AND CASWELL ROAD FROM B-1 TO NS

[Motion was made by Councilmember Mangum seconded by Councilmember Scarborough]
[and carried unanimously, to approve Petition No 93-25 by David R Krug for the above]
[zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordnance Book 43, at Page 133

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RESOLUTION CALLING FOR PUBLIC HEARINGS ON ZONING PETITION NOS 93-38 THROUGH 93-44.

[Motion was made by Councilmember Mangum seconded by Councilmember Scarborough]
[and carried unanimously, to set public hearings for Monday, July 19, 1993, at 6 00 p m]
[in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, for the sub-]
[ject zoning petitions]

The resolution is recorded in full in Resolution Book 31, at Page 106

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REFER TOPLESS BARS TO PLANNING COMMITTEE

Councilmember Majeed stated they recently had some discussion regarding topless bars in neighborhoods and he understands there is a problem in the City Code that permits topless bars, but they do not mention topless He feels this needs to go back to the Planning Committee for some study and re-evaluation and modification

[Motion was made by Councilmember Majeed, seconded by Councilmember Martin, and]
[carried unanimously, to send this issue to the Planning Committee for further study]

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mpl

ADJOURNMENT

[Motion was made by Councilmember Mangum, seconded by Councilmember Wheeler,]
[and carried unanimously, to adjourn the meeting at 8 45 p m]

Brenda R Freeze,
City Clerk

Length of Meeting 2 Hours, 40 Minutes
Minutes Completed August 2, 1993

mpl

CHARLOTTE

Meetings in June '93

JUNE 1 - 4

2, Wednesday

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

9 30 a m — **CIVIL SERVICE BOARD/Hearing** - CMGC, Room 118

5 00 p m — **CITY COUNCIL/Operating Budget Workshop** - CMGC, Meeting Chamber Conference Room

3, Thursday

2 00 p m — **NEIGHBORHOOD MATCHING GRANTS CITYWIDE REVIEW TEAM** - CMGC, 8th Floor Conference Room

THE WEEK OF JUNE 7 - 11

7, Monday

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

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

2 00 p m — **PLANNING COMMISSION/Planning Committee** - CMGC, 8th Floor Conference Room

5 00 p m — **CITY COUNCIL/Operating Budget Workshop** CMGC, Meeting Chamber Conference Room

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

8, Tuesday

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

4 00 p m — **AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Rooms A & B

9, Wednesday

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

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

5 00 p m — **CITY COUNCIL/CIP Workshop** - CMGC, Meeting Chamber Conference Room

THE WEEK OF JUNE 14 - 18

14, 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** - 500 N Tryon St , Suite 200

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF JUNE 14 - 18 (Continued)

14, Monday
4 00 p m **CITY COUNCIL TRANSPORTATION COMMITTEE**- CMGC, Room 271

15, Tuesday
6 00 p m **HOUSING AUTHORITY** - Piedmont Courts, 831 Seigle Avenue

16, Wednesday
5 00 p m **CITY COUNCIL/Budget Workshop** - CMGC, Meeting Chamber Conference Room

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

THE WEEK OF JUNE 21 - 25

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

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

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

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

9 00 a m **AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY** - New Convention Center Office, 2940 One First Union Center

24, Thursday
4 30 p m **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 119

26, Saturday
10 00 a m **CHARLOTTE TREE ADVISORY COMMISSION/Yearly Retreat** - 4910 Carmel Park Drive

JUNE 28 - 30

28, Monday
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)

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

30-

These organizations do not have meetings scheduled in June:

Advisory Energy Commission
Charlotte-Mecklenburg Art Commission
Citizens Cable Oversight Committee
Community Relations Committee
Firefighters Retirement Board
Insurance & Risk Mgmt Advisory Board
Parade Permit Committee

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Monday, June 21, 1993

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

Dinner Presentation: Decision on Central District Plan Rezoning Schedule.

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

Invocation by Rev. Leland Stephens, Thomasboro Baptist Church.

ITEM NO.

PUBLIC HEARINGS

3575-X B-43 P-91 Ord # 1 Mouzon Ord # 2 Morgan School # 3576-X B-43-P 9

1. On May 17, 1993, City Council held public hearings and adopted ordinances to designate the Bishop Edwin D. Mouzon House and the Morgan School as Historic Landmarks.

   Since that meeting we discovered the legal notice of public hearing did not appear in the newspaper. We have now advertised the legal notices.

   To insure proper procedure Council is asked to take the following actions:

   A. Open a Public Hearing regarding the designation of the Bishop Edwin D. Mouzon House and the Morgan School as Historic Landmarks.

   B. Approve two ordinances designating the above sites as historic landmarks.

   Attachment No. 1

Mangum/Scarborough
Close Hrng
unan
Wheeler/Scarborough
App Both Ordinances
unan.

2. Hearing to consider designation of the John and Idella Mayes House, speicifically, the entire exterior and interior of the house and the tract of land upon which it sits, located at 435 EAst Morehead Street, Charlotte North Carolina, as an historic landmark.

Mangum/Wheeler close Hrng. unan.

The basis for recommendation by the Historic Landmarks Commission is in the attachment.

Ord. #3577-X
Bk 13
P. 100

Wheeler/Mangum approve unan.

Recommend adoption of an ordinance designating the John and Idella Mayes House, including the exterior and interior of the house and the tract of land uponi which it sits as an histsoric landmark.

Attachment No. 2

3. (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.

Martin/Wheeler Effective 7/5 unan.

Attachment No. 3

4. (93-28) Hearing on Petition No. 93-28 by George W. Pittman for a change in zoning from O-6(CD) to O-2(CD) for approximately .5 acres located on the northwesterly corner of the intersection of Queens Road and Luther Street.

Mangum/Reid Excuse Vermont & Clodfelter VOTE- YES MANGUM & REID FAILED

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.

Patterson/Wheeler close Hrng. unan.

Attachment No. 4

5. (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.

Hammond/Mangum Rescind motion to defer unan Reid/Hammond Continue Hearing to 7/19 NO-CLODFELTER & MARTIN

Attachment No. 5

6. (93-30) Hearing 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.

McCrory/Wheeler close Hrng unan

Attachment No. 6

7. (93-31) Hearing 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 EASTERLY corner of University City Boulevard (Highway 49) and Mallard Creek Church Road.

Wheeler/Martin
Close Hearing
unan.

Attachment No. 7

8. (93-32) Hearing 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.

Hammond/Wheeler
Close Hearing
unan.

Attachment No. 8

9. (93-33) Hearing 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), adjacent to Freedom Village Shopping Center (Public Library-West Branch).

Wheeler/Hammond
Close Hearing
unan

Attachment No. 9

10. (93-34) Hearing 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.

Wheeler/Patterson
Close Hearing
unan

Attachment No. 10

11. (93-35) Hearing on Petition No. 93-35 by The Foundation of the University of North Carolina at Charlotte, Inc. and the Crosland Group, Inc. 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.

McCrory/Wheeler
Excuse Vernon + Coffey
unan.
Hammond/McCrory
Close Hearing
unan.

Attachment No. 11

12. (93-36) Hearing on Petition No. 93-36 by 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 elementary and secondary schools.

McCrory/Reid
Close Hearing
unan.

Attachment No. 12

13. (93-37) Hearing 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.

Hammond/Wheeler Close Hrng. unan.

Attachment No. 13

14. **DISCUSSION OF GROUP HOMES**

Based on the instructions from City Council on Monday, June 14, the City Attorney is researching this item and information will be forwarded to the City Council on Friday, June 18, for your consideration.

DECISIONS

15. (93-14) Decision on Petition No. 93-14 by Real Estate and Building Industry Coalition for A Text Amendment to the City of Charlotte Zoning Ordinance for the purpose of modifying the vested rights portion of the ordinance.

Ord #4 #3578-B, 43 p. 104

McCrory/Scarborough App. as modified No-Mangum, Chalfee, Martin

This petition was deferred at the April 19, 1993 meeting.

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

Attachment No. 15

16. (93-16) Decision on Petition No. 93-16 by Lance, Inc., for a change in zoning from I-2(CD) to I-2, from R-12MF to I-2(CD) and from R-12MF to I-2 for a 1.17 acre site located on the north side of Westinghouse Boulevard Extension easts of Kings Branch Creek.

Ord #5 #3579-Z B-43 p-110

Scarborough/Wheeler App unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (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.

Scarborough/Hammond Defer #17, #21, #23, #26

A motion by the Zoning Committee to deny this petition resulted in a three to two vote, therefore, the petition is automatically deferred for 30 days.

Attachment No. 17

Hammond/McCrory adopt option B with Engineering language on BMP, if County does differently we can relax

Ord #6 3580 B 43 P 113

18. (SUB93-1) Decision on Pettion No. SUB 93-1 by Charlotte-Mecklenburg Planning Commission for a Text Amendment of the City of Charlotte Subdivision Ordinance to provide for the protection of public water supplies as required by the N. C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5).

A motion by the Zoning Committee to approve this petition with Option B resulted in a three to two vote, therefore, the petition is automatically deferred for 30 days.

Attachment No. 18

Subst Wheeler/Scarborough Option A + revert first of 1994 + tighter up if County tighter No - Hammond

Ord #7 #3581 B 43 P. 119

19. (93-19) Decision on Petition No. 93-19 by Charlotte-Mecklenburg Planning Commission for a text amendment to the City of Charlotte Zoning Ordinance to establish the Catawba River/ Lake Wylie Watershed Overlay District.

Hammond/Scarborough App Option A with revert to Gen. - Same as SUB93-1 No - Mangum

The Zoning Committee recommends that this petition be approved with protected area development standards that exceed the State minimum requirements and are compatible with those adopted by Mecklenburg County for the Mountain Island Lake Watershed (Option B).

Attachment No. 19

Ord #8 #3582-2 B-43 P-130

20. (93-20) Decision on Petition No. 93-20 by Charlotte-Mecklenburg Planning Commission for establishment of the Catawba River/ Lake Wylie Watershed Overlay District. This applies to approximately 1,950 acres within the Charlotte City Limits located within the Catawba River/Lake Wylie Watershed Protection Area generally north of Mt. Holly Road and West of Oakdale Road.

Wheeler/Martin App. No - Mangum

The Zoning Committee recommends that this petition be approved.

Attachment No. 20

Deferred

21. (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 a .4 acre site located on the southerly side of I-85 east of Tennessee Avenue.

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

Attachment No. 21

22. (93-22) Decision on Petition No. 93-22 by Malcolm and Bessie Blankenship for a change in zoning from R-3 to R-MH for approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Road.

Patterson, (-1) Leeper
Deny -
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, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be denied.

Attachment No. 22

23. (93-23) Decision on Petition No. 93-23 by Fawzy M. and Fatima F. 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 just south of Nancy Drive.

Deferred

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 deferred action on this petition for 30 days.

Attachment No. 23

24. (93-24) Decision on Petition No. 93-24 by Derrick B. Knox for a change in zoning from R-12MF to B-1(CD) for approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.

Scarborough/Martin
App.
Failed -
No - Patterson,
Hammond, Clodfelter
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 Councilmembers, not excused from voting, in order to rezone the property.

The Zoning Committee recommends that this petition be approved.

Attachment No. 24

25. (93-25) Decision on Petition No. 93-25 by David R. Krug for a change in zoning from B-1 to NS (Neighborhood Services) for several parcels located at the intersection of East 7th Street and Pecan Avenue and East 7th Street and Caswell Road.

Ord. # 9
3583-2
B-13
P-133

Mangum/Scarborough
app.
unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 25

Deferred

26. (23-26) Decision on Petition No. 93-26 by Charlotte Tree Advisory Committee for a text amendment to change the size of required trees in several sections of the City's Zoning Ordinance.

A motion by the Zoning Committee to approve this petition resulted in a two to three vote, therefore the petition was automatically deferred for 30 days.

Attachment No. 26

Res. #1 B 31 P 106

27. Resolution calling for public hearing on Monday, July 19, 1993, at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center on Petition Nos. 93-38 through 93-43 for zoning changes.

93-44 City Council Petitions on Group Homes

Morgan/Scarborough app with addition of 93-44

Read. 7/12/93.

A RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 93-55 through 93-80 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, Lobby Level, at 600 East Fourth Street beginning at 6:00 o'clock P.M. on Monday, the 30th day of August, 1993 on petitions for zoning changes numbered 93-55 through 93-80.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

_____

Henry Underhill, City Attorney

A RESOLUTION PROVIDING FOR PUBLIC
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 93-81 through 93-92 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, Lobby Level, at 600 East Fourth Street beginning at 6:00 o'clock P.M. on Thursday the 9th day of September, 1993 on petitions for zoning changes numbered 93-81 through 93-92.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

_____
Henry Underhill, City Attorney

A RESOLUTION PROVIDING FOR PUBLIC
HEARINGS ON PETITIONS FOR ZONING CHANGES

WHEREAS, the City Council has received petitions for zoning changes, which petitions, numbered 93-93 through 93-107 are on record in the Office of the City Clerk, and

WHEREAS, the City Council deems it in the public interest that hearings be held on said petitions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that public hearings will be held in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, Lobby Level, at 600 East Fourth Street beginning at 6:00 o'clock P.M. on Thursday the 16th day of September, 1993 on petitions for zoning changes numbered 93-93 through 93-107.

BE IT FURTHER RESOLVED that notice of said hearings be published as required by law.

APPROVED AS TO FORM:

_____
Henry Underhill, City Attorney

An Ordinance designating as Historic Landmark a property known as "Bishop Edwin D. Mouzon House" (listed under Tax Parcel Number 123-093-01 and including the entire exterior and the entire interior of the Bishop Edwin D. Mouzon House and the entire exterior and the entire interior of the garage located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 123-093-01 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by Charles Thomas Humphries and Nancy E. Humphries, is located at 800 Mt. Vernon Avenue, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to 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 City Council of the City of Charlotte, North Carolina, has 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 _____, 1993, on the question of designating a property known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01) as historic landmark, and

WHEREAS, Bishop Edwin D Mouzon, born in Spartanburg, South Carolina in 1869, began his service as a Methodist minister in 1889 in the Texas conference, and

WHEREAS, Bishop Edwin D Mouzon was elected to the office of bishop in May, 1910, and

WHEREAS, Bishop Edwin D Mouzon presided over most of the conferences of the Methodist Church in the United States, as well as those of Mexico and South America, and

WHEREAS, Bishop Edwin D Mouzon served as a delegate to the ecumenical conferences of the world in Toronto (1911), London (1921), and Atlanta (1931), and

WHEREAS, Bishop Edwin D Mouzon set up the Methodist Church of Brazil in 1930, and

ORDINANCE - **Bishop Edwin D. Mouzon House**

WHEREAS, Bishop Edwin D Mouzon and his second wife, Mary Pearl Langdon Mouzon, moved to Charlotte in 1927, and

WHEREAS, Bishop Edwin D Mouzon was one of the country's most prominent churchmen and the senior bishop of the Southern Methodist Church at the time of his death in 1937, and

WHEREAS, the Bishop Edwin D Mouzon House was designed by the Charlotte architect, Marvin W Helms, and

WHEREAS, Marvin W Helms, a Mecklenburg County native who was associated with C C Hook, learned architecture by apprenticeship, and

WHEREAS, Marvin W Helms designed hundreds of rural Methodist churches funded by the Duke Foundation, and

WHEREAS, Marvin W Helms was particularly adept at Gothic detail and designed the 1926 sanctuary for the Dilworth Methodist Church, and

WHEREAS, the Bishop Edwin D Mouzon House, completed in 1927, is architecturally significant as an Eclectic House built in the Tudor style, and

WHEREAS, the Bishop Edwin D Mouzon House is architecturally significant for the many exterior features and appointments, such as the Tudor false half-timbering with stucco infill, intact and in very good condition, and

WHEREAS, the Bishop Edwin D Mouzon House is architecturally significant for the many interior features and appointments, such as the fireplaces and the woodwork, intact and in very good condition, and

WHEREAS, the Bishop Edwin D Mouzon House can provide valuable insight into "life in the streetcar suburb" of Dilworth, and

WHEREAS, the original historic fabric of the exterior and the interior of the Bishop Edwin D Mouzon House is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Bishop Edwin D Mouzon House because consent for interior design review has been given by the Owners, and

WHEREAS, the current Owners, Charles Thomas Humphries and Nancy E Humphries, have faithfully maintained the Bishop Edwin D Mouzon House and have thereby made a substantial contribution to the cultural richness of Charlotte and Mecklenburg County, and

ORDINANCE - Bishop Edwin D. Mouzon House

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property, known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01), possesses a structure 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 Bishop Edwin D Mouzon House possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the Bishop Edwin D Mouzon House is owned by Charles Thomas Humphries and Nancy E Humphries,

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

1 That the property known as the Bishop Edwin D Mouzon House (listed under tax parcel Number 123-093-01 and including the exterior and the interior of the Bishop Edwin D Mouzon House and the exterior and the interior of the garage) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 800 Mt Vernon Avenue, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of Bishop Edwin D Mouzon House* (28 December 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the arched foyer, halls, stairway, sun porch, basement, attic, and rooms of the Bishop Edwin D Mouzon House and includes the following items in those areas the original floors, the woodwork and moldings, the plaster walls, the plaster decorative elements, the Corinthian columns set on built-in cabinets, the built-in cupboards, the large windows, the fire surrounds, the glass paneled doors, the wooden doors, the glass door knobs, the brass keyholes, the hardware

and fixtures, the volume and shapes of the interior spaces provided in the Eclectic House built in the Tudor style and other interior features that are part of the original historic fabric of the building

3 That said designated property 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, Part 3C, and amendments thereto

4 That nothing in this ordinance shall be construed to prevent or delay the 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 owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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 Owner and occupants of the landmark known as the Bishop Edwin D Mouzon House 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

An Ordinance designating as Historic Landmark a property known as "Morgan School" (listed under Tax Parcel Number 125-225-02 and including the exterior and the interior of the Morgan School located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 125-225-02 in the Mecklenburg County Tax Office. The property, owned by the Charlotte-Mecklenburg Board of Education, is located at 500 South Torrence Street, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to 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 City Council of the City of Charlotte, North Carolina, has 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 _____, 1993, on the question of designating a property known as the Morgan School (listed under tax parcel Number 125-225-02) as historic landmark, and

WHEREAS, the Morgan School was constructed in 1925 and opened in 1927, and

WHEREAS, the Morgan School is an important institutional landmark in the African-American community of Cherry and is one of the few such historical landmarks to remain in the neighborhood, and

WHEREAS, the Morgan School is associated with the history of education for African-Americans, and

WHEREAS, the Morgan School is the work of an important regional architect, Louis H Asbury, Sr , one of the first professional architects in Charlotte and a founding member of the North Carolina Chapter of the American Institute of Architects, and

WHEREAS, the Morgan School is architecturally significant for the many exterior features and appointments, such as the molded stone cornice and the decorative concrete panels, intact and in very good condition, and

ORDINANCE - Morgan School

WHEREAS, the Morgan School is architecturally significant for the many interior features and appointments, such as the hardwood floors and steam radiators, intact and in very good condition, and

WHEREAS, the Morgan School is significant as a fine example of early 20th century school construction reflecting Beaux Arts classicism and Revival detailing, and

WHEREAS, the original historic fabric of the exterior and the interior of the Morgan School is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the Morgan School because consent for interior design review has been given by the Owner, and

WHEREAS, the current Owner, the Charlotte-Mecklenburg Board of Education, has faithfully maintained the Morgan School 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 Morgan School (listed under tax parcel Number 125-225-02), possesses a structure 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 Morgan School possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the Morgan School is owned by the Charlotte-Mecklenburg Board of Education,

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

1 That the property known as the Morgan School (listed under tax parcel Number 125-225-02 and including the exterior and the interior of the Morgan School) is hereby designated as an historic landmark pursuant to

ORDINANCE - **Morgan School**

Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 500 South Torrence Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of Morgan School* (23 October 1992)

2 That said interior is more specifically defined as the historic and structural fabric of the entrance, halls, stairways, restrooms, offices, cafeteria, kitchen and classrooms of the Morgan School and includes the following items in those areas the original floors, the woodwork and moldings, the plaster walls, the inset cupboards, the large windows, the built-in bulletin boards and blackboards, the cloak rooms, the doors, the hardware and fixtures, the volume and shapes of the interior spaces provided by the Beaux Arts style of school construction and other interior features that are part of the original historic fabric of the building

3 That said designated property 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, Part 3C, and amendments thereto

4 That nothing in this ordinance shall be construed to prevent or delay the 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 owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-

Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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 Owner and occupants of the landmark known as the Morgan School 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 _____ 1993 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form

_____
City Attorney

Request for Council Action

To the City Council from the City Manager

Action Requested Consideration of an ordinance designating the property known as the "John and Idella Mayes House" (specifically, the entire exterior and interior of the house and the tract of land recorded under Tax Parcel Number 125-137-04) located at 435 East Morehead Street, Charlotte, North Carolina, as historic landmark

Responsible Department Charlotte-Mecklenburg Historic Landmarks Commission

This request should be organized to the following categories
Background Explanation of Request Source of Funding Clearances Bibliography

Background - The Commission judges that the property known as the John and Idella Mayes House does possess special significance in terms of Charlotte and Mecklenburg County The Commission bases its judgment on the following considerations 1) the John and Idella Mayes House was built ca 1902 2) the John and Idella Mayes House is one of the last vestiges of the grand residential boulevard that formed the northern boundary of Dilworth 3) the career of John H Mayes was intertwined with that of Stuart W Cramer, also a Morehead Street neighbor, 4) John H Mayes, with Cramer and three other men, organized the Mayes Manufacturing Company in 1906 with Mayes as president 5) the group built a cotton mill and the mill village of Mayesworth in 1907 6) in 1922, Mayes Manufacturing was absorbed into Cramerton Mills, Incorporated, and the name of the mill village, Mayesworth, was changed to Cramerton 7) the John and Idella Mayes House has survived through the years with most exterior appointments, such as the slate roof and leaded glass windows, intact and in very good condition, 8) the John and Idella Mayes House has survived with most interior appointments, such as wood paneling, embossed wallcoverings and wooden pocket doors intact and in very good condition, and 9) the John and Idella Mayes House is architecturally significant as one of the finest examples of the Shingle Style house to be found in Charlotte and Mecklenburg County

Explanation of Request - Pursuant to Chapter 160A, Article 19 of the General Statutes of North Carolina, City Council, following the joint public hearing held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission, may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance

Deferrable Taxes Attached is a letter from the Mecklenburg County Tax Administrator stating that the amount of ad Valorem taxes potentially deferrable from the City of Charlotte on the subject property is $684 17 in city tax and $1 192 59 in Mecklenburg County tax

Clearances - The Department Review process revealed no conflict between the proposed designation and other City projects except for comments regarding Morehead Street right-of-way

Bibliography - Survey and Research Report on the John and Idella Mayes House (22 February 1993)

For Office Use Only

Date Submitted 11 June 1993

Agenda Date Requested 21 June 1993

Consequences if Agenda Date is Delayed or Action is Deferred Would delay historic designation of the property, thereby depriving the property of the legal safeguards against material alteration or demolition which are provided by historic landmark status

Contact Person for Questions from the City Manager s Office
Ms Nora M Black, Architectural/Historical Consultant (376-9115)

Authorized by Dr Dan Morrill, HLC Consulting Director
Department Head

Approved by
Assistant City Manager

List Attachments

1 Draft of Ordinance
2 Survey and Research Report (on file at office of City Clerk)
3 Letter with Vote of Charlotte-Mecklenburg Historic Landmarks Commission
4 Tax Deferment Letter
5 Title Search by HLC Attorney
6 Letter from North Carolina Division of Archives and History
7 Letter from Owner and Form for Permission of Owner for Interior Design Review
8 Comment Summary of Department Review
9 Photographs of potential historic landmark

An Ordinance designating as Historic Landmark a property known as the "John and Idella Mayes House" (listed under Tax Parcel Number 125-137-04 and including the exterior and the interior of the John and Idella Mayes House located within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 125-137-04 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property, owned by JFW Realty Incorporated, is located at 435 East Morehead Street, Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to 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 City Council of the City of Charlotte, North Carolina, has 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 _____, 1993, on the question of designating a property known as the John and Idella Mayes House (listed under tax parcel Number 125-137-04) as historic landmark, and

WHEREAS, the John and Idella Mayes House was built ca 1902, and

WHEREAS, the John and Idella Mayes House is one of the last vestiges of the grand residential boulevard that formed the northern boundary of Dilworth, and

WHEREAS, the career of John H Mayes was intertwined with that of Stuart W Cramer, a Morehead Street neighbor, and

WHEREAS, John H Mayes, with Cramer and three other men, organized the Mayes Manufacturing Company in 1906 with Mayes as president, and

WHEREAS, the group built a cotton mill and the mill village of Mayesworth in 1907, and

WHEREAS, in 1922, Mayes Manufacturing Company was absorbed into Cramerton Mills, Incorporated, and the name of the mill village, Mayesworth, was changed to Cramerton, and

WHEREAS, the John and Idella Mayes House can provide valuable insight into the era when Charlotte's citizens were building the industries that brought growth and prosperity to the entire region, and

ORDINANCE - John and Idella Mayes House

WHEREAS, the John and Idella Mayes House has survived through the years with most exterior appointments, such as the slate roof and leaded glass windows, intact and in very good condition, and

WHEREAS, the John and Idella Mayes House has survived with most interior appointments, such as wood paneling, embossed wall coverings and wooden pocket doors, intact and in very good condition, and

WHEREAS, the John and Idella Mayes House is architecturally significant as one of the finest examples of the Shingle Style house to be found in Charlotte and Mecklenburg County, and

WHEREAS, the original historic fabric of the exterior and the interior of the John and Idella Mayes House is largely intact and visible, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the John and Idella Mayes House because consent for interior design review has been given by the Owner, and

WHEREAS, the current Owner, JFW Realty Incorporated, has faithfully maintained the John and Idella Mayes House 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 John and Idella Mayes House (listed under tax parcel Number 125-137-04), possesses a structure 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 John and Idella Mayes House possesses special significance in terms of its history, architecture, and/or cultural importance, and

WHEREAS, the property known as the John and Idella Mayes House is owned by JFW Realty Incorporated,

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

1 That the property known as the John and Idella Mayes House (listed under tax parcel Number 125-137-04 and including the exterior and the interior of the John and Idella Mayes House is hereby designated as an historic landmark

pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated at 435 East Morehead Street, Charlotte, in Mecklenburg County, North Carolina Interior and exterior features are more completely described in the *Survey and Research Report of John and Idella Mayes House* (22 February 1993)

2 That said interior is more specifically defined as the historic and structural fabric of the first floor, the second floor, the cellar and the attic of the John and Idella Mayes House to include the ceiling beams, the hardwood floors, the mosaic tile floors, the original windows and glazing, the stained glass windows, the plaster walls, the tile walls, the embossed wall coverings and dadoes, the wooden pocket doors, the "cascade stairway" in the main entry hall, the wood paneled doors, the woodwork and moldings (including the crown moldings, door surrounds, balustrades, newels, wainscot, and panels), the fire surrounds and fire tiles, the mirrors installed in fire surrounds, the annunciator panel and servants quarters' bell, the plumbing fixtures, the original electrical fixtures, the hardware and other fixtures, the volume and shapes of the interior spaces provided in the free-form and variable Shingle Style, and other interior features that are part of the original historic fabric of the structure

3 That said designated property 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, Part 3C, and amendments thereto

4 That nothing in this ordinance shall be construed to prevent or delay the 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 owner from making any use of this landmark not prohibited by other statutes, ordinances, or regulations Owners of locally designated "Historic

Landmarks" are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions

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 Owner and occupants of the landmark known as the John and Idella Mayes House 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 _____ 1993 by the City Council of the City of Charlotte, North Carolina

_____
Clerk to City Council

Approved as to form

_____
City Attorney

Charlotte-Mecklenburg Historic Landmarks Commission

11 June 1993

Ms Brenda Freeze
City Clerk, City of Charlotte
CMGC, 600 East Fourth Street
Charlotte, North Carolina 28202

Dear Ms Freeze

I am enclosing the Request for Council Action on the ordinance of designation and the packet of background material required for the *John and Idella Mayes House* The owner, JFW Realty, Inc , has indicated approval of the prospect of designation Consequently, the public hearing should take very little time

The vote regarding designation was taken at the regular meeting of the Historic Landmarks Commission on 12 April 1993 The results are as follows

Favor	Louis Bledsoe, Allen Brooks, Robert Drakeford, Milton Grenfell, B J Hendrix, Van Hill, Chris Oates, Shirley Rico, Jim VanOrsdel
Oppose	None
Abstain	None

Please feel free to contact me if you have any questions regarding this matter

Sincerely,

Nora M. Black

Nora M Black
Architectural/Historical Consultant

Enclosures

c Mr Louis A Bledsoe, III, HLC Chairman
Dr Dan Morrill, HLC Consulting Director
Ms Pamela Syfert, Deputy City Manager

P O BOX 35434 • CHARLOTTE N C 28235 • (704) 376 9115 • FAX (704) 372-4584

MECKLENBURG COUNTY

Office of the Tax Administrator

April 16, 1993

Ms. Nora M Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P O. Box 35434
Charlotte, North Carolina 28235

RE Parcel Number 125-137-04
John and Idella Mayes House
435 East Morehead Street
Charlotte, North Carolina

Dear Ms Black

Based on the current assessment and tax rate, the potential amount of deferrable taxes on the above mentioned property would be $684 17 for the City of Charlotte and $1,192.59 for Mecklenburg County

Very truly yours,

Bernard White

Bernard White
Assistant Tax Administrator

BW/sn

720 East Fourth Street • P O Box 36819 • Charlotte, North Carolina 28236 • (704) 336 2813

HELMS, CANNON, HAMEL & HENDERSON
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SUITE 2300 TWO FIRST UNION CENTER
CHARLOTTE NORTH CAROLINA 28282

H PARKS HELMS
THOMAS R CANNON
WILLIAM F HAMEL
DAVID L HENDERSON
CHRISTIAN R TROY
BRUCE L JAMES
WILLIAM B HAMEL

CHARLES J HENDERSON
(RET RED)
THOMAS G LANE JR
(RETIRED)

TELEPHONE (704) 372-4884
TELECOP ER (704) 332 0585

May 18, 1993

Ms. Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
Post Office Box 35434
Charlotte, North Carolina 28234

Re: **JOHN and IDELLA MAYES HOUSE**
435 East Morehead Street, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of April 13, 1993, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is **JFW REALTY, INC., a North Carolina corporation, 435 East Morehead Street, or c/o James F. Wyatt III, Registered Agent, 730 East Trade Street, Suite 716, Charlotte, North Carolina 28202**, subject to the liens of Deeds of Trust recorded in the Mecklenburg Public Registry in:

Book 6327, Page 174, in favor of:
Frank W. Ix, Trustee for
Bank of Mecklenburg
2000 Randolph Road
Charlotte, North Carolina 28207

Book 7199, Page 760, to:
Pete Jones, Trustee for
First Union National Bank of
North Carolina
301 South Tryon Street
Charlotte, North Carolina 28288

and subject to the right of first refusal retained by Walter H. Fox when he conveyed the subject property to JFW Realty, Inc. on February 16, 1993.

Please find enclosed a statement for services rendered in this connection.

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

James B Hunt, Jr, Governor
Betty Ray McCain, Secretary

Division of Archives and History
William S Price, Jr, Director

May 10, 1993

Nora M. Black
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P.O. Box 35434
Charlotte, NC 28235

Re: Survey and Research Report on the **John and Idella Mayes House, 435 East Morehead Street, Charlotte, Mecklenburg County**

Dear Ms. Black:

Thank you for your February 9, 1993, letter and the report for local designation of the property referenced above. The letter and report were received in our office February 12, 1993. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

We understand that the commission is recommending that the exterior and interior of the house and the tax parcel of land listed as number 125-137-04 (.28 acres) be designated as a historic landmark.

Built ca. 1902, the John and Idella Mayes House, the house is a rare and remarkably intact example of the Shingle Style house in Charlotte. It is the only surviving turn-of-the-century house remaining in Charlotte's old Second Ward, and one of the few remaining fine houses built on the once-fashionable Morehead Street that formed the northern boundary of Dilworth.

The property is listed in the State Study List, meaning it has been identified as potentially eligible for listing in the National Register of Historic Places. It is our opinion that local designation of the exterior, specified features of the interior, and the land parcel as a historic landmark is appropriate.

Thank you for the opportunity to comment on this report. This property is most worthy of the recognition and protection of landmark designation and we support the Commission's recommendation for

LAW OFFICE
JAMES F WYATT, III
730 EAST TRADE STREET
CHARLOTTE NORTH CAROLINA 28202
704 331 0767

25 February 1993

Ms Nora Black
Charlotte-Mecklenburg Historic
Landmarks Commission
Post Office Box 35434
Charlotte, North Carolina 28235

Re John and Idella Mayes House, 435 East Morehead Street

Dear Nora

I received your letter of 24 February 1993, and I would like to proceed with a historic designation of the interior and exterior of all buildings and all land included in the tax parcel An executed copy of the Permission of Owner for Interior Design Review is attached

With highest personal regards, I remain,

Very truly yours,

James F. Wyatt, III

JFW,III ss
Enclosure
cc Dr William Huffman

Charlotte-Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNER
FOR
INTERIOR DESIGN REVIEW

Pursuant to North Carolina General Statute 160A-400 9(b) on historic landmarks, I, JAMES F. WYATT III, owner of record, do hereby request designation of interior spaces as such spaces have been deemed to have architectural, artistic, cultural, or historical significance I understand that changes to designated portions of the property are subject to design review for compliance with *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* I give permission to the Charlotte-Mecklenburg Historic Landmarks Commission to exercise jurisdiction for design review over all interior designated portions of the following building or buildings known as

John and Idella Mayes House

located at *435 East Morehead Street, Charlotte, North Carolina*

Signature _____
(Owner)

Name (Print) JAMES WYATT III

Date 2/26/93

P O BOX 35434 • CHARLOTTE N C 28235 • (704) 376 9115 • FAX (704) 372-4584

Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process for Historic Landmark Designation

John and Idella Mayes House

Findings

The Department Review Process revealed no conflict between the historic designation of the John and Idella Mayes House and proposed public plans or projects except for comments regarding Morehead Street right-of-way

Comment Summary

Building Inspection	-	No response
Community Development	-	No response
Engineering/City		-No relation to Department Plans, CIP Projects or permits granted or under consideration
Parks and Recreation	-	No relation to Department Plans, CIP Projects or permits granted or under consideration
Planning Commission/Historic District Commission	-	No relation to Department Plans, CIP Projects or permits granted or under consideration
Transportation	-	Copy of right-of-way requirements attached
Char-Meck Utility Department	-	No relation to Department Plans, CIP Projects or permits granted or under consideration

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CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

JOHN AND IDELLA MAYES HOUSE
435 East Morehead Street

According to the Charlotte Mecklenburg Thoroughfare Plan (1988):

East Morehead Street is a Class III major thoroughfare requiring a minimum of 100 feet of right-of-way. According to the tax map, there is 88 feet of existing right-of-way. Therefore, CDOT requests that an additional 6 foot strip along East Morehead Street be excluded from the historic designation to meet the minimum requirements.

The John Belk Freeway (I-277) is a Class I Freeway requiring a minimum of 350 feet of right-of-way. According to the tax map, sufficient right-of-way exists to meet this requirement.

South Caldwell Street is a Class VI Local street requiring a minimum of 50 feet of right-of-way. According to the tax map, sufficient right-of-way exists to meet this requirement.

Charlotte Department of Transportation
23 April 1993

John and Idella Mayes House
435 East Morehead Street
Charlotte, N C
Front or Southwest Facade

Front entry
with simple
white panel
doors and stained
glass transom light

Northwest side with asbestos shingles
in gambrel roof end Note vent with
shingles curving into recessed opening

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. 93-29 JUNE 3
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 # 035-091-09 # 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)

11321 HAWBRIGHT RD
Address of Petitioner(s)

HUNTERSVILLE NC. 28078
Telephone Number

875-2735

Signature

Signature of Property Owner
If Other Than Petitioner

Petition #: 93-27

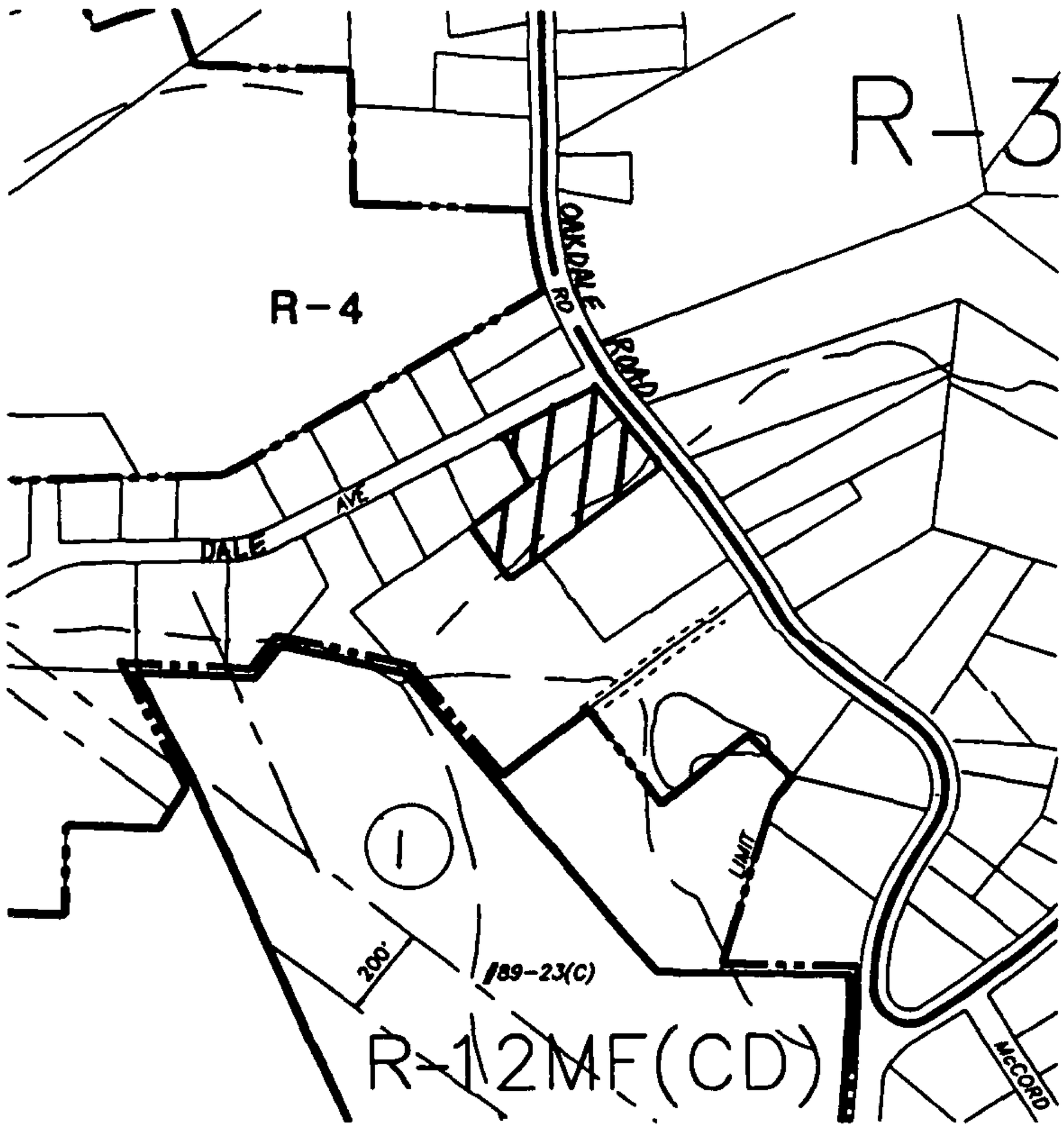
Petitioner: Harold Jolly

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. 93-28

Petitioner: George W. Pittman

Location: Approximately .5 acres located on the northwesterly corner of the intersection of Queens Road and Luther Street.

Request: Change from O-6(CD) to O-2(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned O-6(CD) as is the site located across Queens Road from the petitioned property. Properties to the north and to the south are zoned R-22MF. Nearby properties are predominantly zoned a combination of R-22MF and R-43MF.

2. Existing Land Use. The petitioned property is presently developed with a residence that is also used as an interior designer's office. The tract located across Queens Road from the petitioned property is developed with Theatre Charlotte. Nearby properties are developed with a combination of single family residential and multi-family residential uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. Strategies for the area include extension of water lines along Providence Road and designation of the Midtown Development Enterprise Area.

   2. Cherry Small Area Plan. The Cherry Small Area Plan does not make a specific recommendation for the subject property but generally recommends that high density multi-family zoning in the area remain.

   3. Central District Plan. The Central District Plan recognizes that the Cherry neighborhood should be preserved as a low to moderate income residential area and should be considered for historic and/or conservation district designation. The plan notes that nonresidential uses have weakened the neighborhood's residential edge and have slowly encroached into the neighborhood.

4. Site Plan.

   1. Existing Site Plan. The site plan which is presently in effect for the petitioned property notes the existing 5,800 square foot building to remain and to be used as a residence and

interior designer's office. The plan limits the office component to ⅓th or less of the square footage of the house and limits access to the two existing driveway connections to Luther Street. The property to the rear of the garage is devoted to lawn area. The plan disallows any signage on the property. Up to three outside employees are permitted to work at the site.

2. Proposed Site Plan. The site plan which accompanies this petition also commits to preservation of the existing 5,800 square foot structure and prohibits alterations to the building or front lawn facing Queens Road. The proposed plan would allow any use permitted in the O-2 district with the exception of several specifically identified uses including boarding houses, schools, funeral homes, group homes, post offices, or a church. Automobiles are accommodated by a one-way traffic circulation system to the rear (west) of the existing building. The plan proposes to upgrade the existing driveway to City standards and to close the other existing driveway in favor of a proposed exit driveway in the westerly portion of the site. The plan provides for the required 9 foot Class C buffer along residential property to the north. The plan proposes to install a wood fence to accommodate a reduction in the buffer from 12 feet. A number of existing trees along Luther Street are noted to remain and will be supplemented by evergreen shrubs 5 feet on center. The plan limits identification signage to a ground mounted sign no more than 4 feet in height and no more than 10 square feet in area. The plan notes that exterior lighting will be positioned so as not to shine into adjacent properties and new light fixtures will not exceed 12 feet in height. The plan disallows any exterior dumpster.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	68-10	R-6MF to O-6	AIP	02/12/68
2.	69-116	R-6MF to R-6MFH	Approved	01/12/70
3.	70-113	R-6MFH to O-6	Approved	09/28/70
4.	70-114	R-6MFH to O-6	Approved	09/21/70
5.	73-35	R-6MFH to O-6	Approved	09/17/73
6.	73-47	R-6MF, O-6, R-6MFH to R-12	Denied	03/11/74
7.	78-27	R-6MF to O-6	Denied	07/24/78
8.	78-38	R-6 to R-6MFH	Approved	10/30/78
9.	80-24	R-6MFH to O-6(CD)	Approved	08/10/81
10.	81-15	R-6MF to O-6(CD)	Approved	08/10/81
11.	86-62	R-15MF to R-12	Approved	08/18/86
12.	84-52	R-6MF to O-6(CD)	Denied	09/17/84

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

REVIEWS

1. Plan Consistency. This petition proposes a change from one conditional office category to another. Plans for the area generally recognize it as one limited to residential development. Therefore, this petition is not consistent with plans for the area.

2. Technical Consistency.

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

   2. Departmental Comments. Departmental comments included the need for signage restrictions, extensive parking lot landscaping/screening, and correction of a buffer. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes rezoning from one conditional office category to another in an area in which plans generally envision residential development. Since the site is already zoned for office for a single use, it could be argued that this is a site plan amendment rather than a "new" rezoning. While plans generally call for residential uses in the area, none have recommended removing this office zoning. So long as the use retains the "residential" character of the existing plan, changing the use becomes a matter of degree. With a narrowed list of uses this petition would raise no particular land use issue.

2. Site Plan. The site plan which accompanies this petition proposes a broadened use of the existing structure and would accommodate the entire structure being used for most uses permitted in the office category. The existing site plan stipulates that the structure is to be used as a residence in addition to the interior design office. The present plan is aligned with the general goal of land use plans for the area which envision continued residential use.

   Staff notes that the proposed site plan also does much to preserve the integrity of land use plans for the area. The plan commits to preservation of the existing building, the front lawn, and many of the existing trees along Luther Street. Only the minimum required parking is provided in order to preserve as much as possible of the site for landscaping purposes. If the use list were to be more restrictive, then this site could continue to contribute to the residential character of the area even though used for limited office purposes. It should be strongly emphasized that any favorable consideration of this petition

should not be viewed as an invitation for additional conversions of homes in this area to nonresidential purposes.

CONCLUSION

This petition could be viewed as appropriate for approval based on a restrictive site plan which maintains the previous commitment for preservation of the house and front lawn and places substantial restriction on potential uses.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-28
Date Filed April 5, 1993
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: George W. Pitman

Owner's Address: 438 Queens Road, Charlotte, NC 28207

Date Property Acquired: July 11, 1972

Tax Parcel Number: 125-232-12

Location of Property (address or description)

corner of Queens Road and Luther Street

Description of Property

Size (Sq. Ft.-Acres): .50 Acres

Street Frontage (ft.): 100 LF

Current Land Use: Interior Designer's Office and a Residence

Zoning Request

Existing Zoning: O-6 (CD)

Requested Zoning: O-2 (CD)

Purpose of Zoning Change: to allow for the entire existing structure to accommodate general offic uses, as this property, in a previous rezoning, restricted this property to an interior designer office use and residence only.

GNA Design Associates, Inc.
Name of Agent

428 E. Fourth Str., #408, Charlotte, NC 28202
Agent's Address

704/373-1907
Telephone Number

George W. Pitman
Name of Petitioner(s)

438 Queens Road, Charlotte, NC
Address of Petitioner(s)

704/376-6661
Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

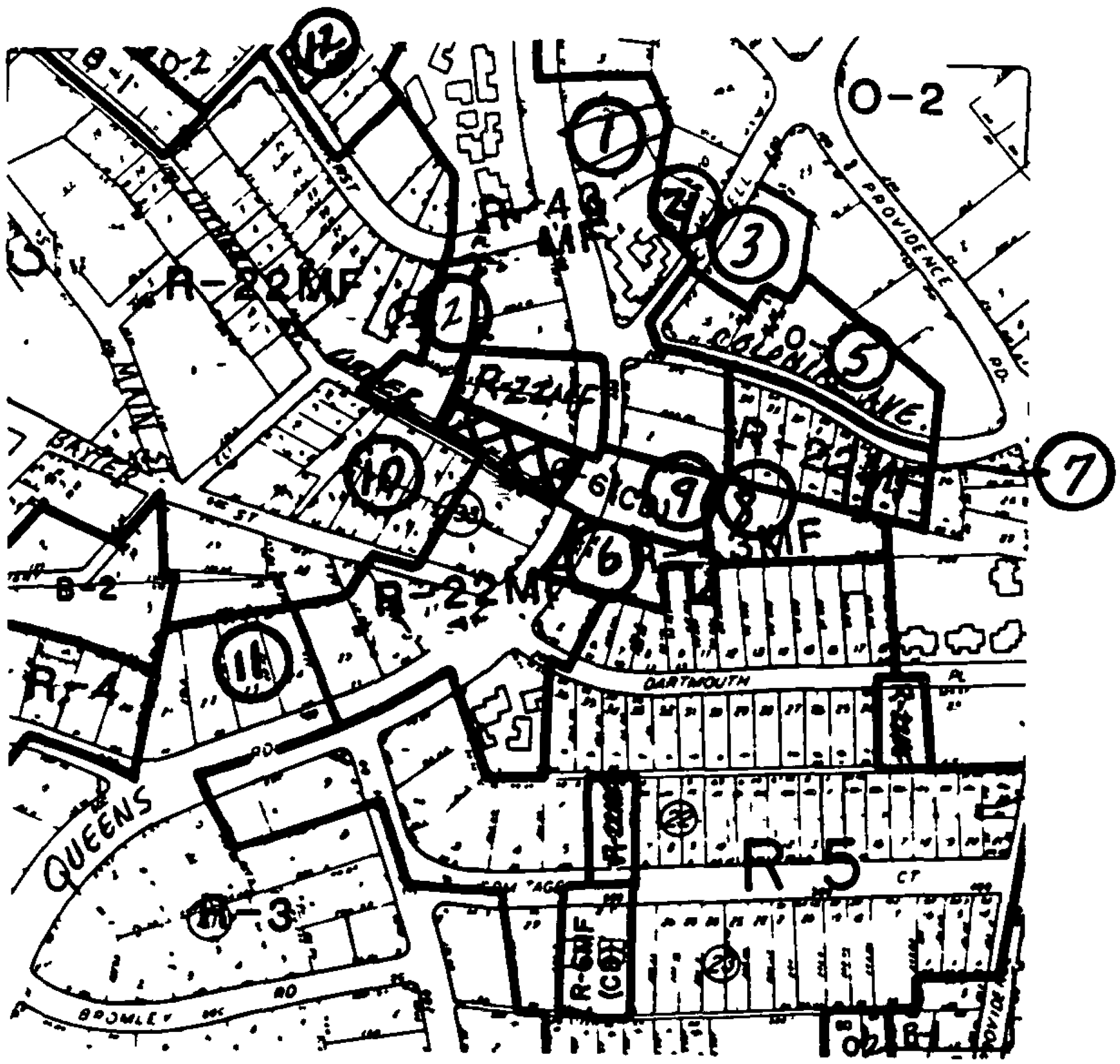
Petition #: 93-28

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'

M E M O R A N D U M

DATE: May 25, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-28: Northwest Corner of Queens Road and Luther Street (Revised 5/24/93)

This site could generate approximately 163 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (163 trips per day) will remain the same.

Queens Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated on the plan that right-of-way currently exists which meets this requirement, measuring 50 feet from the centerline of the roadway.

The existing parking adjacent to the building which is noted to be restriped for angled parking would appear to conflict with the existing garages. The use of the garages would facilitate 90° parking.

Adequate sight distance triangles must be reserved at the existing/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.

The proposed (new and reconstructed) driveway connections to Luther Street 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. The location of the driveways shown on the site plan are subject to change in order to align with driveways 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.

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
GNA Design Associates, Inc.
George W. Pitman
Rezoning File

M E M O R A N D U M

DATE: June 7, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-28: Northwest Corner of Queens Road and Luther Street (Revised 5/24/93)

This is a follow-up to our May 25, 1993 memorandum concerning the subject rezoning site. CDOT previously indicated that the site would generate approximately 163 trips per day under the current zoning. We were not aware that the existing conditional zoning plan limited office use to a maximum of 25% of the total square footage.

With this additional information, CDOT now estimates that the site would only generate 53 trips per day as currently zoned. Under the proposed zoning, the site would still generate approximate 163 trips per day. We do not feel this will have a significant impact on the surrounding thoroughfare system.

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
GNA Design Associates, Inc.
George W. Pitman
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, 0-6 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 0-6 (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 0-6	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	0-6 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

Petition # 93-

Date Filed April 5, 1993

Received By MCM

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

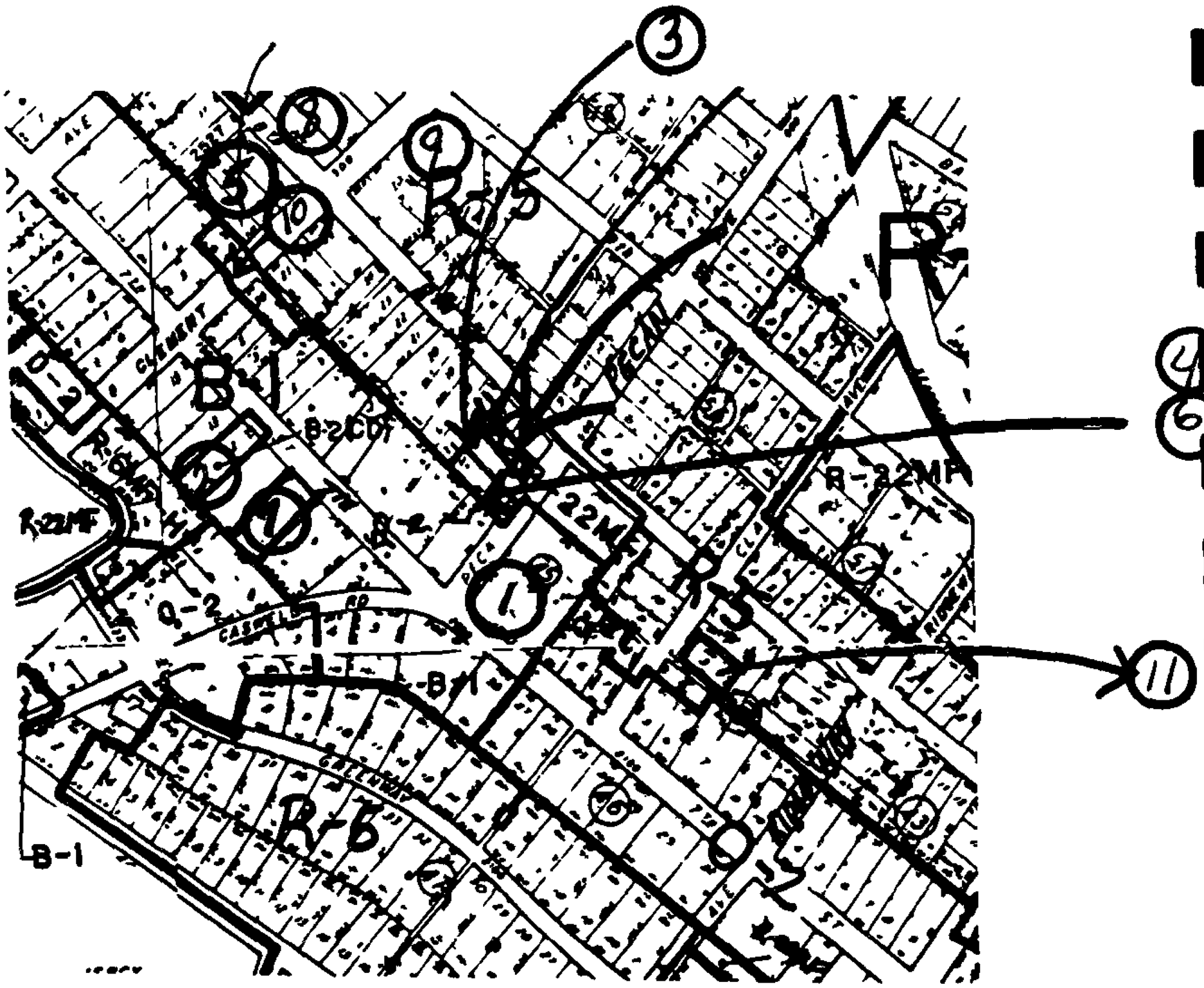
Petitioner: Joseph M. Church

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

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. 93-30

Petitioner: Michael D. Herndon

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

Request: Change from O-2 to I-2(CD) and consideration of an I-2(CD) site plan amendment.

BACKGROUND

1. Existing Zoning. The subject property is presently zoned a combination of I-2(CD) and O-2. The I-2(CD) zoning was established through a 1991 rezoning petition. Adjoining properties to the north and east are zoned R-22MF. Properties located to the west are zoned I-2 and I-1. Properties to the south are zoned O-2.

2. Existing Land Use. The petitioned property is presently undeveloped. Adjacent properties to the west are developed with a sheet metal shop and warehouse. Adjoining properties to the north and east across Charles Avenue and Yadkin Avenue are developed with predominately single family homes with scattered duplexes. Properties to the west and south are developed with a mixture of industrial, commercial, office, and residential uses. The Highland Park Mill is located to the north along Davidson Street.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses in the area of the subject property. The 2005 strategies for the area include a potential light rail station and corridor.

   2. Central District Plan. The Central District Plan recognizes the existing office zoning and does not envision an expansion of the industrial zoning in the area. The plan recognizes that the R-22MF zoned properties have developed with predominantly single family uses and recommends those properties be rezoned to R-5.

4. Site Plan.

   Existing Site Plan. The site plan presently in effect for the petitioned property allows a 6,800 square foot expansion of the existing sheet metal fabrication facility or any use allowed in the I-1 district. Access to the property is provided by one driveway connection to Yadkin Avenue. The plan provides a 30 foot buffer along the southerly edge to include a six foot concrete block wall extending to a potential chain link fence along Yadkin Avenue.

Proposed Site Plan. This petition proposes to incorporate an additional parcel to the conditional zoning plan and allows an expansion of the existing sheet metal fabrication shop of 14,500 square feet. Access to the site remains unchanged and is provided by one driveway connection to Yadkin Avenue. The additional tract allows an improved truck maneuvering and loading/unloading arrangement over the present plan. The plan carries forward the potential chain link fence for security purposes but adds evergreen shrubs spaced three feet apart on the exterior of the fence and a combination of large and small maturing trees on the interior of the fence.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 72-48	R-6MF to I-1	Approved	09/25/72
2. 73-24	0-6 to I-2	AIP	08/27/73
3. 72-3	I-1 to I-2	Approved	01/24/72
4. 76-49	0-6 to I-1	Approved	07/12/76
5. 91-76	0-6 & I-2 to I-2(CD)	Approved	05/18/92

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from an office category to conditional general industrial and a site plan amendment to allow expansion of a sheet metal fabrication facility or any use allowed in the I-1 district. The Central District Plan recognizes the existing zoning and does not recognize the potential for creation of additional industrial zoning. Therefore, this petition is not consistent with plans for the area.

2. Technical Consistency.

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

   2. Departmental Comments. The departmental comments have been addressed by the submittal of revised site plan. CDOT notes the site could generate approximately three trips per day as currently zoned. Under the proposed zoning, the site could generate approximately six trips per day. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes a rezoning from office to industrial in an area in which land use plans attempt to limit nonresidential development to existing zoning. From that standpoint, this petition is not appropriate. However, consideration of this petition should fall heavily to the associated site plan inasmuch as it represents an improvement over the existing plan.

2. Site Plan. The site plan which accompanies this petition accommodates an expansion of the existing sheet metal fabrication facility as does the existing plan. However, the proposed plan includes more property and is a superior plan due primarily to additional space for on-site vehicle maneuvering. In addition, the plan provides for screening composed of evergreen shrubs spaced three feet on center on the outside of a chain link fence on the perimeter of the site and a combination of large and small maturing trees will be installed on the interior of the fence. The plan also commits to preservation of an existing tree at the corner of Yadkin Avenue and Charles Avenue. For these reasons, the petition is considered appropriate for approval.

CONCLUSION

This petition is considered appropriate for approval in that it represents an improvement to the conditional zoning plan which controls the property.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

Petition No. _____

Date Filed April 5, 1993

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: Michael D. Herndon, 16333 Terry Lane, Huntersville, NC 28078 (624 and (628 Charles Ave
Van T. Hill, individually and as Executor of the Estate of Mildred T. Hill

Owner's Address: 1607 East Morehead Street, Charlotte, NC 28207 (2617 Yadkin Avenue)

Date Property Acquired: May, 1973 (083-066-09 and 083-066-10)
September 14, 1987 (083-066-08)

Tax Parcel Number: 083-066-08, 083-066-09 and 083-066-10

Location of Property (address or description)

2617 Yadkin Avenue (083-066-08)
628 Charles Avenue (083-066-09) 624 Charles Avenue (083-066-10)

Description of Property

Size (Sq. Ft.-Acres): .32 of an acre 100 feet x 140 feet - Charles Avenue
.14 of an acre 60 feet x 100 feet - Yadkin Avenue

Street Frontage (ft.): 100 feet on Charles Avenue
200 feet on Yadkin Avenue

Current Land Use: Vacant

Zoning Request

Existing Zoning: Charles Avenue - I-2(CD)
Yadkin Avenue - O-1

Requested Zoning: Charles Avenue - I-2(C
Site Plan Amendment
Yadkin Avenue - I-2(CD

Purpose of Zoning Change: To allow Allied Sheet Metal Works, Inc., the Lessee of the property, to relocate its loading area from the front of its existing and proposed expanded building to the rear and to facilitate a more orderly and compatible expansion of its existing building.

Name of Agent: Bailey Patrick, Jr.

Agent's Address: 227 W. Trade Street, Suite 2200, Charlotte, NC 28202

Telephone Number: (704) 372-1120

Name of Petitioner(s): Michael D. Herndon

Address of Petitioner(s): 16333 Terry Lane, Huntersville, NC2

Telephone Number: (704) 376-8469

Michael D. Herndon

Signature

Signature of Property Owner
If Other Than Petitioner

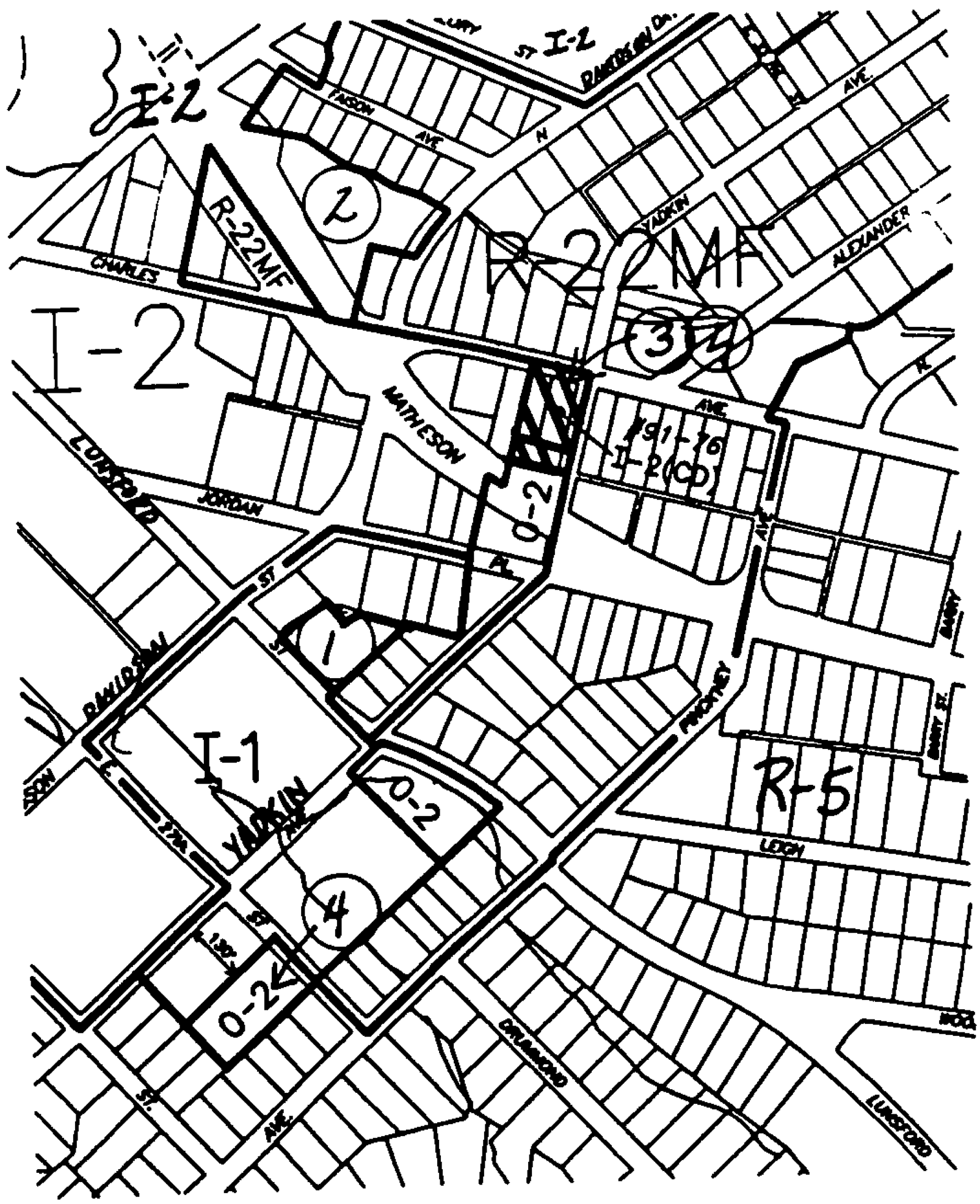
Petition #: 93-30

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'

M E M O R A N D U M

DATE: May 25, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-30: Southwest Corner of Charles & Yadkin Avenue (Revised 5/20/93)

This site could generate approximately 3 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (6 trips per day) will remain the same.

Adequate sight distance triangles must be reserved at the existing/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.

The proposed driveway connection to Yadkin Avenue will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval.

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:

- Indicate the width of all existing/proposed driveways.
- Indicate parking module dimensions.

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
Bailey Patrick, Jr.
Michael D. Herndon
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. 93-31

Petitioner: NationsBank of North Carolina

Location: Approximately .86 acres located on the ~~southerly~~ SOUTHEASTERLY corner of University City Boulevard (Highway 49) and Mallard Creek Church Road.

Request: Change from O-15(CD) to B-1(CD).

BACKGROUND

1. Existing Zoning. The subject property is zoned O-15(CD) as a result of a 1981 rezoning under the County's jurisdiction. The property was zoned Institutional prior to the 1981 rezoning petition. Properties located along University City Boulevard to the west of Mallard Creek Church Road are predominantly zoned Institutional. Two nearby properties to the south are the sites of special use permits. Other properties to the south are zoned a combination of conditional multi-family and single family residential. Properties located across Mallard Creek Church Road are zoned a combination of conditional multi-family, B-1 and I-2. Properties located to the east of Old Concord Road are zoned R-3.

2. Existing Land Use. The subject property is the site of a vacant branch bank. UNCC is located across University City Boulevard from the site. Nearby tracts to the west and south are vacant. Further to the west and south properties are devoted to residential use. Properties located across Mallard Creek Church Road are developed with a convenience store, a multi-family residential complex and a mixture of commercial and industrial uses. Many nearby properties remain undeveloped.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. Strategies for the area include improvement of Mallard Creek Church Road, the Mallard Creek Church Road/Back Creek Church Road connector, the eastern segment of the outer belt, development of a 100 acre district park in the University area, a light rail system connecting the Uptown area with the UNCC area, and construction of additional water mains in the area.

   2. University City Plan. The 1969 University City Plan calls for the area of the subject property to be limited to institutional development.

   3. UNCC District Plan. The UNCC District Plan recognizes the existing office zoning of the subject property. The plan calls for the consideration of medium and high density residential

uses within the Institutional district through the special use permit process.

4. Northeast District Plan. The Northeast District Plan recognizes the Institutional zoning and use of the University area and recognizes the existing office zoning of the petitioned property.

5. Transportation Improvement Program (TIP). The TIP calls for the widening of Mallard Creek Church Road from I-85 to Mallard Creek Road to provide a new and accessible entrance into University Research Park. The TIP also calls for the widening of NC. 49 from Mallard Creek Church Road to the County line to meet the increasing levels of growth and development in the University City area.

4. Site Plan.

1. Existing site plan. The current site plan which governs the subject property allows an 1,855 square foot branch bank facility and associated parking. The plan limits access to one driveway connection to N.C. 49 and two driveway connections to Mallard Creek Church Road. The plan provides 10 foot landscaped yards adjoining the southerly and easterly edges and allows parking in the setback along N.C. 49.

2. Proposed site plan. The site plan which accompanies this application proposes to remove the existing building and erect a new 5,500 square foot structure to be used as a book store or any use allowed in the O-1 district. Access to the site would remain unchanged. The proposed site plan provides the required Class C 14 foot buffer adjoining Institutional zoning to the west and south. The University City Boulevard edge includes a 20 foot landscaped setback and a 4 foot side yard adjoins Mallard Creek Church Road. The plan notes that the tree ordinance would be complied with and limits signage to a 7 foot monument sign. The plan provides right-of-way dedication along Mallard Creek Church Road.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-94	R-12MF to R-12	Approved	01/20/68
2. 70-7	R-12MF & O-15 to Inst.	Approved	05/18/70
3. 70-89	R-12MF to B-1	Approved	06/24/70
4. 81-24(c)	Inst. to O-15(CD)	Approved	08/31/81
5. SUP83-4(c)	SUP for multi-family in Inst.	Approved	01/03/84
6. MSUP85-3(c)	SUP for multi-family in Inst.	Approved	01/22/86

Petition No.	Request	Action	Date
7. SUP85-3(c)	SUP for multi-family in Inst.	Approved	04/07/86
8. SUP85-4(c)	SUP for multi-family in Inst.	Denied	09/19/85
9. SUP85-5(c)	SUP for multi-family in Inst.	Approved	01/22/86
10. 88-2(c)	Inst. to R-9MF(CD)	Approved	02/15/88
11. 88-6(c)	Inst. to R-9MF(CD)	Approved	03/21/88
12. 88-63(c)	SUP to R-12MF(CD)	Approved	01/17/89

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of property from a conditional office category to a conditional business classification. Plans dating back to the 1969 University City Plan have consistently recommended institutional type development in this area. Plans for the area have also recognized the abundance of commercial and industrial zoning in the area along N.C 49 and Old Concord Road up to Back Creek Church Road, the neighborhood convenience center located at the intersection of N.C. 49 and Old Concord Road, and along N.C. 49 at the Hempstead neighborhood. In addition to those centers, there is the Town Center Shopping Center, the University Place Center, and a proposed center at the intersection of Highway 29 and Mallard Creek Church Road. Therefore, this petition is not consistent with adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner's agent discussed the application with staff prior to the filing of the petition. Staff noted the petition's inconsistency with plans for the area.

   2. Departmental Comments. Departmental comments noted the need for right-of-way dedication along N.C. 49 and Mallard Creek Church Road, tree ordinance requirements, correction of a yard, and the need for a limitation on the proposed signage to 7 feet. Departmental comments have been addressed. CDOT notes the site could generate approximately 39 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,153 trips per day. See attached CDOT comments.

ISSUES

1. Land Use. This petition raises a land use issue in that it proposes to introduce commercial zoning in an area long recognized as suitable for institutional and residential purposes and not

appropriate for commercial development. Plans dating back to the 1960's have recognized that additional commercial development should be limited to designated focal points rather than randomly interspersed along thoroughfares in the area. There is an ample supply of commercial and industrial zoning just to the east of Mallard Creek Church Road and stretching all the way up to Back Creek Church Road. There are also major commercial center locations throughout the area. In addition approval of this petition would likely pressure adjacent properties on N.C. 49 to convert to nonresidential uses. The Planning Commission's recommendation for approval of the 1981 rezoning of this property from Institutional to O-15(CD) recognized that "favorable action on this request should not be viewed as any intent to diminish the overall significance of that district in its relationship to the University." Therefore, this petition is not considered appropriate for approval from a land use standpoi

2. Site Plan. The site plan which accompanies this ıtion proposes to redevelop the subject property for the purpose of a 5,500 square foot building to be used for a book store on any use allowed in the O-1 district. Access to the property would remain unchanged and the plan provides for buffers and landscaping in accordance with the ordinance. From a site plan standpoint, the petition is considered appropriate for approval.

CONCLUSION

While the site plan which accompanies this petition is sufficient, the proposed commercial classification raises concerns from a land use standpoint. Plans for the area are not supportive of the introduction of commercial zoning on this side of Mallard Creek Church Road. Ample opportunities for commercial ventures are provided elsewhere in the immediate area as well as in the general area. This petition is not considered appropriate for approva. from a land use standpoint.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 93-31

Date Filed April 5, 1993

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner NationsBank of North Carolina, N.A. by AMRESCO Insitutional, Inc. its agent

Owner's Address One NationsBank Plaza Charlotte, N.C. 28255

Date Property Acquired October 1974

Tax Parcel Number 049-295-17

Location of Property (address or description) 9430 University City Blvd.

Description of Property

Size (Sq. Ft.-Acres) .86 acres Street Frontage (ft.) 190' University City Blvd

Current Land Use vacant branch bank

Zoning Request

Existing Zoning O-15(CD) Requested Zoning B-1(CD)

Purpose of Zoning Change to permit the redevelopment of the site, which has been vacant for several years, as a bookstore

Robert G. Young
Name of Agent

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

334-9157
Telephone Number

NationsBank of North Carolina
Name of Petitioner(s)

One NationsBank Plaza Char, N.C. 28255
Address of Petitioner(s)

386-7950
Telephone Number

by AMRESCO Institutional, Inc., its agent

Signature John S. Patterson, authorized agent

Signature of Property Owner
if Other Than Petitioner

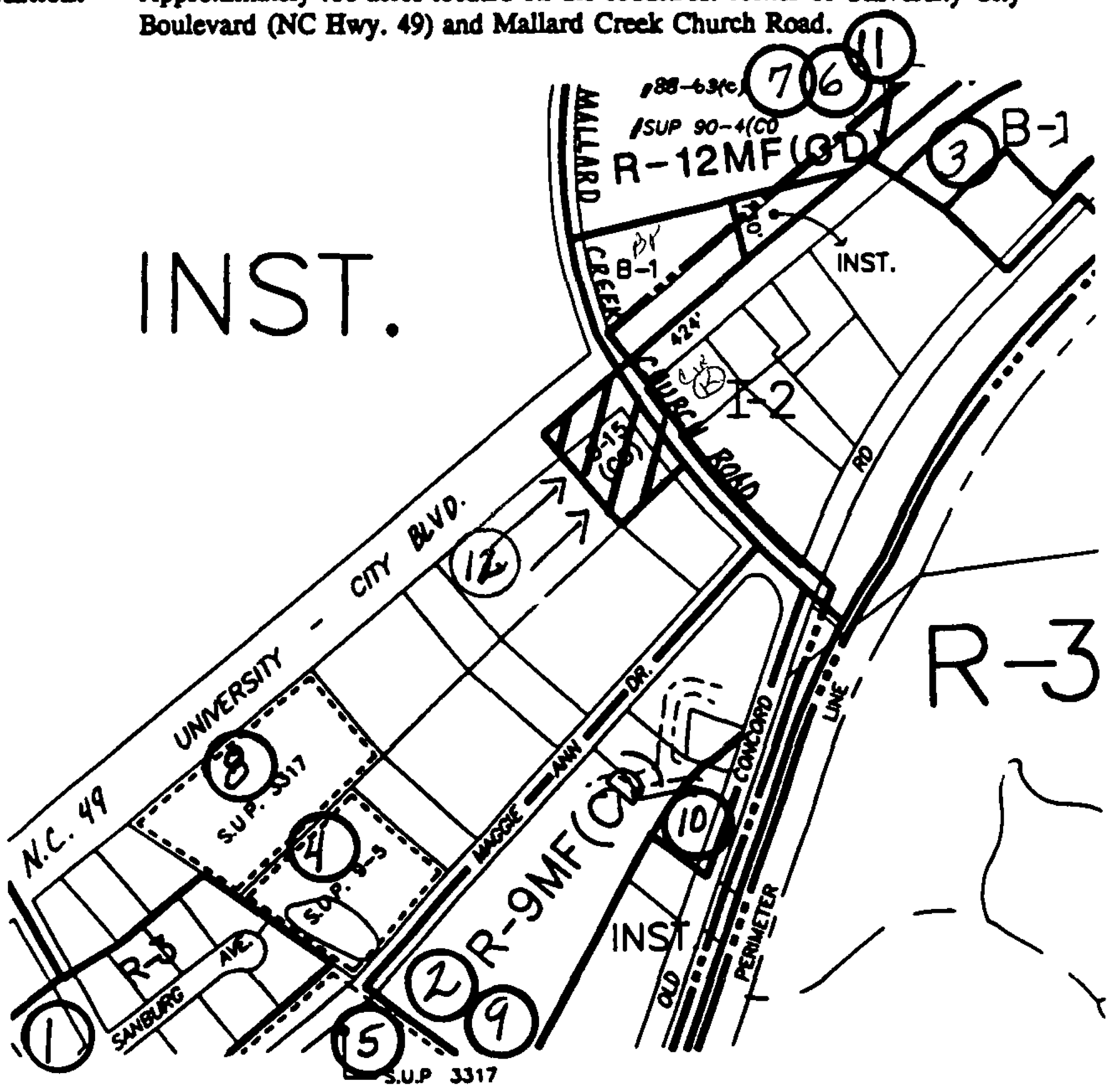
Petition #: 93-31

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~~ EAST corner of University City Boulevard (NC Hwy. 49) and Mallard Creek Church Road.



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

M E M O R A N D U M

DATE: May 25, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-31: Southwest Corner of University City Boulevard and Mallard Creek Church Road (Revised 5/7/93)

This site could generate approximately 39 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,153 trips per day) will remain the same.

The North Carolina Department of Transportation (NCDOT) has begun right-of-way acquistion for the widening of NC 49 from Mallard Creek Church Road to Harrisburg Road (Project #R-2215). NCDOT has scheduled construction to start in FY 94.

A sidewalk is required along the Mallard Creek Church Road frontage.

University City Boulevard (NC 49) is a major thoroughfare normally requiring a minimum of 100 feet of right-of-way. Mallard Creek Church Road is a minor thoroughfare normally requiring 70 feet of right-of-way. However, additional right-of-way is required at the intersection of a major and a minor thoroughfare. The developer/petitioner has noted that right-of-way currently exists which exceeds the 65 feet from the centerline of NC 49 and agrees to dedicate right-of-way measuring 45 feet from the centerline of Mallard Creek Church Road.

Adequate sight distance triangles must be reserved at the existing/upgraded 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.

All driveways must be reconstructed to comply with current standards. Therefore, the proposed driveway connections to Mallard Creek Church Road and University City Boulevard (NC 49) 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. The location of the driveways shown on the site plan are subject to change in order to align with driveways 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.

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

- Show all three driveways to be reconstructed as standard drop curb ramp Type II driveways (without radii).

- The NC 49 driveway must be held at a minimum of 10 feet from the side property line projected out to the NC 49 edge of pavement.

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

- Indicate parking module dimensions.

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
NationsBank of North Carolina
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. 93-32

Petitioner: McClure Real Estate and Investment, Inc.

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

Request: Change from R-4, B-1, and B-2 to B-1(CD) and O-1(CD).

BACKGROUND

1. Existing Zoning. The subject property is presently zoned a mixture of B-1, B-2, and R-4. Additional R-4 zoning is found to the south of the petitioned site between Belhaven Boulevard and Valleydale Road. The R-3 category is predominant elsewhere.

2. Existing Land Use. The petitioned property is presently occupied by an abandoned commercial structure and a single family residence. Properties located across Belhaven Boulevard are developed with a combination of single family residential, institutional, and commercial uses. Properties across Valleydale Road are predominately developed with single family residential homes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes the area of the subject property as one of transition between existing employment uses and existing residential development.

   2. Northwest District Plan. The Northwest District Plan recognizes the existing commercial zoning of a portion of the subject property. Otherwise, the plan recognizes existing and proposed residential areas.

4. Site Plan. The site plan which accompanies this petition proposes a realignment of the zoning pattern for the petitioned property to replace a combination of B-1, B-2, and R-4 with a B-1(CD) category and to replace an R-4 in favor of an O-1(CD) classification. The maximum building area for the proposed B-1(CD) site is a total of the existing 3,800 square feet plus a 5,500 square foot addition for a total of 9,300 square feet. The maximum building area for the proposed O-1(CD) portion is a combination of the existing 1,300 square feet plus a proposed 2,000 square foot addition for a total of 3,300 square feet. The plan would allow the property to be devoted to any use permitted in the respective districts. Access to the site from Valleydale Road is provided by a total of three driveway connections, two of which are existing and one proposed. Access from Belhaven Boulevard would be through the one existing driveway connection which is to be rebuilt to CDOT standards. The

plan notes the maximum building height as 40 feet and notes that the building addition in the proposed O-1(CD) portion is to have a residential character. New signage along Valleydale Road is to be limited to ground mounted signs of no more than 7 feet in height. The plan notes that the petitioner can apply for reinstatement of a previously approved variance to allow parking within the Belhaven Boulevard setback.

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 68-16	R-9 to B-2	Approved	03/18/68
2. 83-5(c)	R-15 to R-15MF(CD)	Approved	08/01/83

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a combination of commercial and residential categories to a combination of commercial and office categories. Plans for the area recognize the existing zoning and generally discourage encroachment of additional nonresidential development to the south between Valleydale Road and Belhaven Boulevard. 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 better treatment of the Valleydale Road edge in relationship to the dumpster and service area, the need for a limitation of the signage on Valleydale Road to no more than 7 foot ground mounted signs. Staff comments also noted that new construction in the Valleydale Road area should be residential in character. The departmental comments have generally been addressed by the submittal of a revised site plan. CDOT notes that the site could generate approximately 1,100 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 1,936 trips per day. CDOT comments are attached.

ISSUES

1. Land Use. This petition proposes a general reconfiguration of zoning from a combination of commercial and residential categories to a combination of conditional office and commercial categories. The concept of extension of nonresidential zoning further away from the intersection of Belhaven Boulevard and Valleydale Road is not consistent with land use plans for the area. However, the petition does warrant consideration in that it proposes a plan that removes the general business category in favor of a neighborhood business category and presents a more realistic development scenario for the property. In addition, it presents an opportunity for the redevelopment of an abandoned and dilapidated structure. For these reasons, consideration of this petition should fall heavily to the associated site plan.

2. Site Plan. The site plan which accompanies this petition proposes a reconfiguration of the existing zoning pattern and a replacement of the general business category with the neighborhood business category. The plan would accommodate a 9,300 square foot commercial development and a 3,300 square foot office component. The plan provides the bulk of the parking associated with the proposed commercial area along Belhaven Boulevard rather than along the more residential Valleydale Road. In addition, the plan stipulates that the building addition on the office component will be residential in character and new signage along Valleydale Road is to be limited to 7 foot ground mounted signs. The plan provides for required screening and buffers and notes compliance with the tree ordinance. The plan substantially exceeds the minimum required buffer along a portion of the southerly project edge adjoining residential zoning. From a site plan standpoint, this petition presents a more realistic zoning pattern than the existing zoning and will potentially facilitate the revitalization of an existing abandoned and dilapidated site.

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-32

Date Filed April 5, 1993

Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner McClure Real Estate & Investments, Inc.

Owner's Address 8336 Bellhaven Boulevard, Charlotte, NC 28216

Date Property Acquired January 30, 1990 & October 18, 1988

Tax Parcel Number 035-146-03 035-146-14 & 16

Location of Property (address or description) Between Bellhaven Boulevard and Valleydale Road

south of McClure Circle

Description of Property

Size (Sq. Ft.-Acres) 2.09 acres Street Frontage (ft.) 436' on Bellhaven Blvd.

Current Land Use Two commercial buildings and one house

Zoning Request

Existing Zoning R-4, B-1 & B-2 Requested Zoning B-1(CD) & O-1(CD)

Purpose of Zoning Change To enable the owner to redevelop an existing outdated commercial building by remodeling and adding to it. In addition, a small office will be developed to utilize the existing house and serve as a transitional use.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

McClure Real Estate & Investments, Inc
Name of Petitioner(s)

8336 Bellhaven Blvd., Charlotte, NC, 28216
Address of Petitioner(s)

394-5540
Telephone Number

Michele W. McClure Sec
Signature

Signature of Property Owner
if Other Than Petitioner

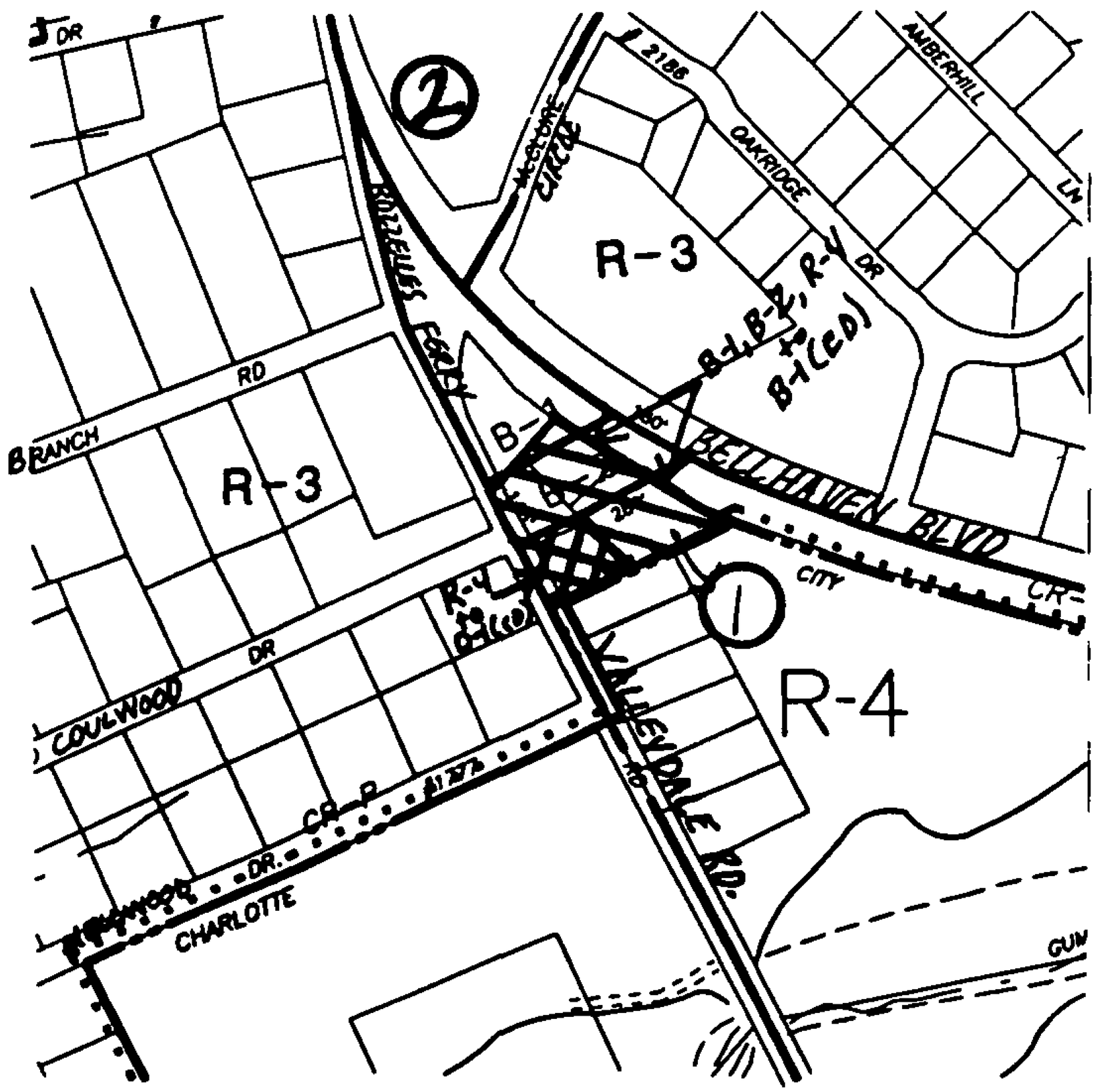
Petition #: 93-32

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'

M E M O R A N D U M

DATE: May 25, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-32: Belhaven Boulevard and Valleydale Road
(Revised 5/20/93)

This site could generate approximately 1,100 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,936 trips per day) will remain the same.

Belhaven Boulevard is a minor thoroughfare requiring a minimum of 70 feet of right-of-way. The plan indicates that right-of-way currently exists that would meet/exceed this requirement, measuring 35 feet from the centerline of the roadway.

Sidewalk will be required to be constructed along both the Valleydale Road and Belhaven Boulevard frontages.

Adequate sight distance triangles must be reserved at the existing/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.

The proposed driveway connections to Valleydale 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. The location of the driveways shown on the site plan are subject to change and to ensure compliance with City Driveway Regulations and the City Tree Ordinance.

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

- 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.
- The existing driveway proposed to be reconstructed opposite Coulwood Drive will not be approved by CDOT. We recommend this driveway be deleted from the 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
Fred E. Bryant
McClure Real Estate & Investments, Inc.
Rezoning File

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: 93-32

PETITIONER: McClure Real Estate and Investments, Inc.

LOCATION: Frontage on Belhaven Boulevard and Valleydale Road in the Coulwood Area

REQUEST: Change from R-4, B-1 and B-2 to B-1(CD) and O-1(CD)

This property has on it at the present time two older commercial structures and one older residential building. The commercial structures have been vacant at various times and have deteriorated in appearance. The property is now zoned a combination of uncontrolled B-1, B-2 and R-4. The Petitioner wishes to place the zoning of this property under a controlled, conditional plan which will permit the upgrade of the existing structures, add a small amount of additional space in order to make the rental of the structures more acceptable and create an office transition between this property and adjoining residential land along Valleydale Road.

The plan of development proposes to take the existing commercial building on Belhaven Boulevard, increase its size by 5,500 square feet and recreate an acceptable commercial design and environment for this portion of the property. Even with this expansion, the building would be separated from the adjoining non-owned property by over 100 feet with a minimum of 60 feet of that being undisturbed, open-area land. The closest neighbors to this property consist of a church on the same side of Belhaven Boulevard and two churches on the opposite side of Belhaven.

The other component of this plan proposes to take an older residential structure which adjoins the portion of the now zoned B-2 and convert it into a small office building committing to retain the residential design of the building. Again, this structure would be separated from the nearest non-owned property by approximately 65 feet. The other existing commercial building on the site will be upgraded and a use placed in it which will provide community-based service.

All of the above changes will be accompanied by a redesign of the site which will install the buffers, the screening and other features now required by the new zoning ordinance in order to more properly relate these uses to their surroundings. Generally, this quadrant of the intersection of Belhaven and Valleydale will benefit from a renewal of building design and building usage. While this change includes an extension of the existing non-residential zoning, the overall design and pattern proposed for the site will considerably enhance the community appearance. It is not believed the property in its present setting is appropriate for or would ever be used for single-family

residential purposes. The plan of development proposed for this site will create an edge condition appropriate for this type use in relation to adjoining residential properties.

There are no outstanding technical issues related to this request and, you will note, the Prehearing Analysis recommends that it be approved. We urge your consideration of this request in this favorable manner and will be ready to answer any questions you may have concerning it.

FEB/df

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. 93-33

Petitioner: Public Library of Charlotte and Mecklenburg County

Location: Approximately .57 acres located at the end of Alleghany Street (formerly Ledwell Street) adjacent to Freedom Village Shopping Center (Public Library-West Branch).

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned I-1 as are adjoining properties to the northeast extending to Freedom Drive and beyond. Two nearby properties in the I-1 zoned area are the sites of conditional use permits for outdoor amusement. Properties located to the north, west, and south are zoned a combination of B-1SCD, B-D(CD), and I-1(CD) as a result of a 1990 rezoning petition. Further to the south, properties are zoned a combination of R-17MF and R-4.

2. Existing Land Use. The subject property is the site of the West Branch Public Library. Freedom Village Shopping Center is located immediately to the northeast. Other retail facilities are located along Freedom Drive. Properties located to the northwest, west, and south are in the process of developing with the Cityview project. Further to the south properties are devoted to single family residential and scattered duplexes.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment uses in the area. The plan also indicates a community commercial center along Freedom Drive in the area of the subject property. The 2005 strategies for the area include a potential light rail station.

   2. Transportation Improvement Program. The Transportation Improvement Program calls for the widening of Freedom Drive from I-85 to Mount Holly Road to four lanes.

   3. Westerly Hills/Ashley Park Small Area Plan. The Westerly Hills Plan calls for a mixture of light industrial, office, commercial, and residential uses in this area.

   4. Central District Plan. The Central District Plan recognizes the mixture of commercial, office, and residential uses 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. 68-78	I-1 to I-2	Approved	11/18/68
2. 69-20	I-1 to I-2	Approved	03/17/69
3. 70-49	B-2 to Conditional Amusement	Approved	04/20/70
4. 71-30	I-1 to Conditional Amusement	Approved	05/03/71
5. 90-24	R-9MF, I-1, I-2 to B-1SCD, CD(CD), I-1(CD)	Approved	04/16/92

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

REVIEWS

1. Plan Consistency. This petition proposes rezoning from the light industrial to the neighborhood business category 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 for this area. Therefore, the petition is consistent with publicly adopted plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff discussed this application with the petitioner's agent prior to it. submittal.

   2. Departmental Comments. There are no significant departmental comments due to the conventional nature of this petition. CDOT indicates that the site could generate approximately 228 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 54 trips per day. CDOT comments are attached.

ISSUES

1. Land Use. This petition raises no land use issues. It would provide for the potential reuse of the existing structure for a public school facility. (The zoning ordinance does not allow schools in the industrial categories). The proposed commercial zoning category is consistent with publicly adopted plans for the area. The petition recommended for approval.

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

CONCLUSION

This petition is recommended for approval.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

Date Filed April 5, 1993

Received By MCN

OFFICE USE ONLY

Ownership Information

Property Owner: Public Library of Charlotte and Mecklenburg County

Owner's Address: 310 North Tryon Street, Charlotte, NC 28202

Date Property Acquired: March 27, 1961

Tax Parcel Number: 067-131-01

Location of Property (address or description)

1200 Alleghany Street, Charlotte, NC

Description of Property

Size (Sq. Ft.-Acres): 125 feet x 200 feet

Street Frontage (ft.): 125 feet on Alleghany Street

Current Land Use: Public Library Branch

Zoning Request

Existing Zoning: I-1 Conditional Use - Outdoor Amusement under Sec. 23-40.02

Requested Zoning: B-1

Purpose of Zoning Change: This property is currently used by the Charlotte-Mecklenburg Library for its West Branch. The Library has decided to relocate this Branch to the new shopping center being built on adjoining property. The Charlotte-Mecklenburg Board of Education desires to locate an alternative school within the building situated on this property. The current I-1(CD) zoning does not allow the property to be used for school purposes.

Accordingly, the B-1 zoning district, which is consistent and compatible with the zoning assigned to adjacent properties, is being sought to accommodate the School Board's purpose.

Name of Agent: Bailey Patrick, Jr.

Agent's Address: 227 W. Trade Street, Suite 200, Charlotte, NC 28202

Telephone Number: (704) 372-1120

W. D. Cornwell, Co-Petitioner
P. O. Box 36007, Charlotte, NC 28236-6007
(704) 372-4500

Everette Curlee, Co-Petitioner
P. O. Box 36007, Charlotte, NC 28236-6007
(704) 372-4500

Name of Petitioner(s): Public Library of Charlotte and Mecklenburg County

Address of Petitioner(s): 310 N. Tryon Street, Charlotte, NC

Telephone Number: (704) 336-2530

By Robert S. Lemmon
Signature Executive Director

Signature of Property Owner if Other Than Petitioner

Petition #: 93-33

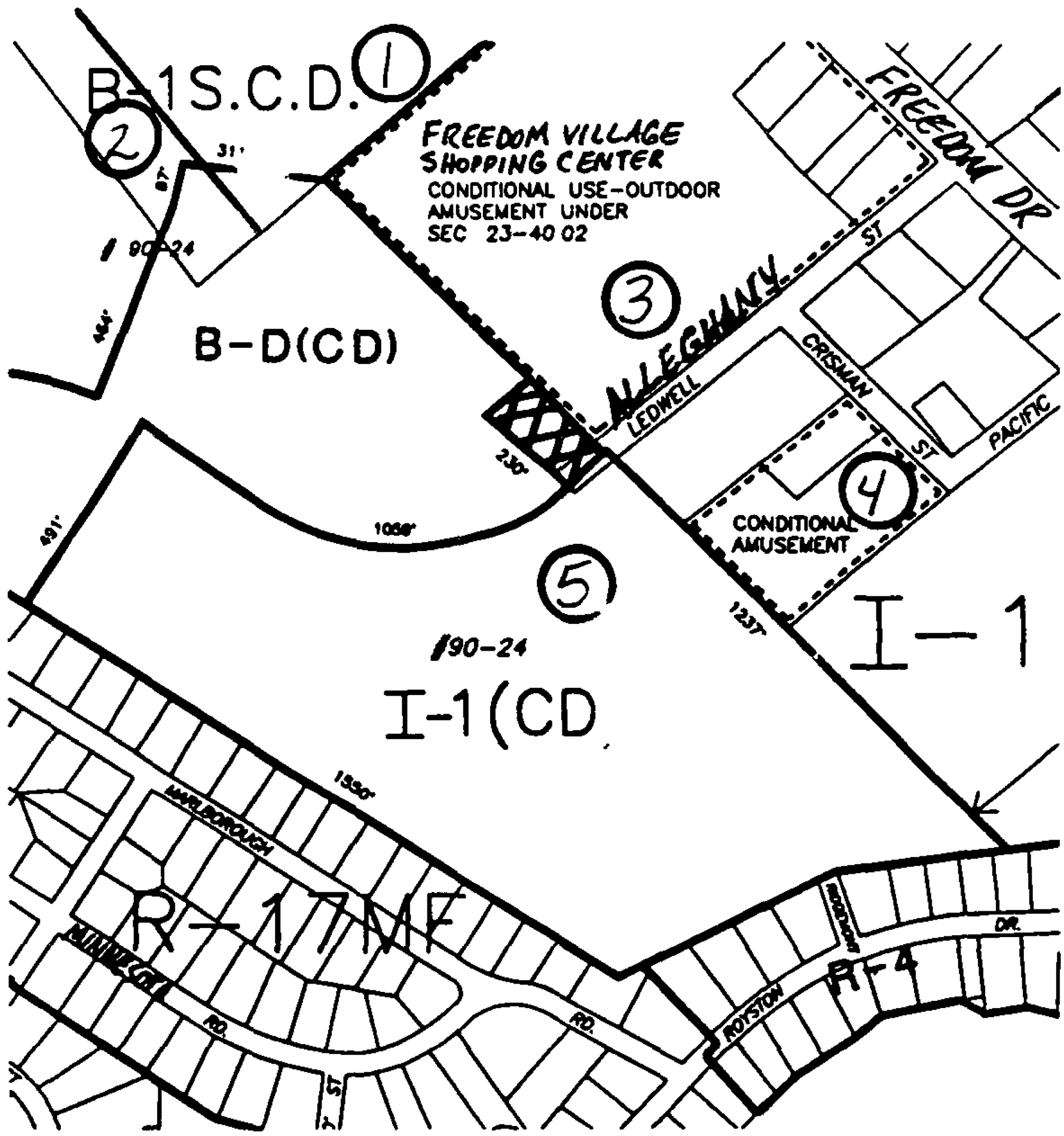
Petitioner: Public Library of Charlotte and Mecklenburg County

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'

M E M O R A N D U M

DATE: May 3, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-33: Alleghany Street Adjacent to Freedom Village Shopping Center

This site could generate approximately 228 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 54 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

Alleghany Street 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.

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
Bailey Patrick, Jr.
Public Library of Charlotte & Mecklenburg County
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. 93-34

Petitioner: Mr. and Mrs. J. Steven Neal

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

Request: Consideration of an I-2(CD) Site Plan Amendment.

BACKGROUND

1. Existing Zoning. The property involved in this request is currently zoned I-2(CD) as a result of a 1990 rezoning petition. The property to the west is zoned I-2 as is the property to the south and across Starita Road and I-85. The adjacent properties to the east are presently zoned I-1, I-2, R-4, and R-17MF. The properties to the north are zoned R-4.

2. Existing Land Use. The property involved in this request is vacant. Properties to the west contain industrial uses associated with the trucking industry and properties to the south contain industrial and office uses interspersed with vacant tracts. There are two trucking companies south of I-85. The property to the east is currently developed with industrial and office uses. The property to the north is currently developed as single family residential with a 150 foot wide strip of vacant land contiguous to the northern boundary of the petitioned property.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes existing employment land uses in the area of the subject property. 2005 strategies include expanding the greenway system along Irwin Creek.

   2. Derita Small Area Plan. The Derita Small Area Plan encourages employment uses in this portion of the Derita community. The plan also supports encouraging businesses to consider Derita as a location for their operations and developing employment opportunities within the Derita community.

4. Site Plan.

   Existing Site Plan. The current site plan which governs this property allows a maximum building area of 495,000 square feet with uses limited to offices, warehouses, fabricating, retail, wholesale distribution, and manufacturing. Junk yards, salvage yards, petroleum or chemical manufacturing are specifically not allowed. The plan outlines a concept of individual lots accessed from an internal public street which is the site's sole access to Starita

Road. The plan provides for greenway dedication along Irwin Creek of approximately six acres.

Proposed Site Plan. The site plan which accompanies this petition proposes a change in the original concept to allow a truck maintenance and driver training center. The revised concept is oriented around a relatively small building of no more than 95,000 square feet, as compared to the approved plan, with a relatively large parking lot that covers the balance of the site with the exception of the greenway area, required buffers, landscaping, and the setback. The plan indicates two driveway connections to Starita Road. The proposed plan maintains the approximately six acres of greenway dedication and conformance with the tree ordinance with the exception of the area devoted to truck parking and maneuvering. The plan notes compliance with required buffers adjoining residential zoning but also provides for a potential reduction in the required 100 foot buffer adjoining the residentially zoned property to the north which is deed restricted to a buffer status. (This potential reduction in the buffer width is subject to a later staff approval of an alternate buffer plan).

5. School Information. Not applicable.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 75-5(c)	R-9 to Conditional Use (Fraternal)	Approved	05/05/75
2. 82-8(c)	R-9 to B-2(CD)	Approved	07/06/82
3. 89-77	Office to R-9MF(CD)	Approved	10/18/89
4. 90-11	R-9, B-D, I-1 to I-2	Approved	07/16/90

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

REVIEWS

1. Plan Consistency. This petition proposes an amendment to the conditional zoning site plan which governs this property to permit a different concept than originally proposed. Both the present plan and the proposed revision are consistent with the district plan's concept of heavy industrial/office land uses in the area. Therefore, this petition is consistent with plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the petitioner prior to the filing of the application. Subsequently the staff met with the petitioner to convey a number of questions and/or comments regarding the site plan.

2. Departmental Comments. Comments from reviewing agencies include the need for a traffic impact study to be submitted in order that the traffic effect on the thoroughfare system can be analyzed. A left turn lane on Starita Road is required. CDOT comments are attached.

ISSUES

1. Land Use. This petition raises no land use issues. It requests a site plan amendment to the current conditional industrial category. The proposal is consistent with public plans and policies that recognize the existing employment land use of this area. Therefore, from a land use standpoint, this petition is appropriate for approval.

2. Site Plan. The site plan amendment proposed by this petition represents a change in the original concept of an industrial/office park generally composed of a number of offices, manufacturers, or other facilities located along an internal public street. The revised concept associated with this application involves a truck terminal and associated truck driver training. The plan essentially involves a smaller building and larger parking area than contemplated by the present plan. Otherwise, the revised plan is similar to the current plan and provides for greenway dedication amounting to approximately six acres. From a site plan standpoint, the petition could be considered appropriate for approval subject to adequate resolution of traffic concerns raised by CDOT.

CONCLUSION

This petition is considered appropriate for approval subject to adequate resolution of traffic issues.

*Subject to further refinement following public hearing.

CITY OF CHARLOTTE

Petition No. 93-27
Date Filed April 5, 1993
Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: J. Steven Neal and wife, Judith K. Neal

Owner's Address: 3908 N. Graham Street, Charlotte, North Carolina

Date Property Acquired: 9/15/89 and 9/20/89

Tax Parcel Number: 045-023-02 and 045-031-01

Location of Property (address or description)

2500 Starita Road, Charlotte, North Carolina

Description of Property

Size (Sq. Ft.-Acres): 34.7 acres ±

Street Frontage (ft.): 1,013 ft. ±

Current Land Use: Vacant

Zoning Request

Existing Zoning: I-2 (CD)

Requested Zoning: I-2 (CD) S.P.A.

Purpose of Zoning Change: Site Plan Amendment to permit use of property by a single user and to clarify that permitted uses include truck terminal operations

Saxby M. Chaplin
Name of Agent

227 N. Tryon Street, Charlotte, NC 28202
Agent's Address

(704) 343-2040
Telephone Number

Mr. and Mrs. J. Steven Neal
Name of Petitioner(s)

3208 N. Graham Street, Charlotte, N
Address of Petitioner(s)

Telephone Number
704-596-5700

J. Steven Neal
Signature

Judith K. Neal
Signature of Property Owner
if Other Than Petitioner

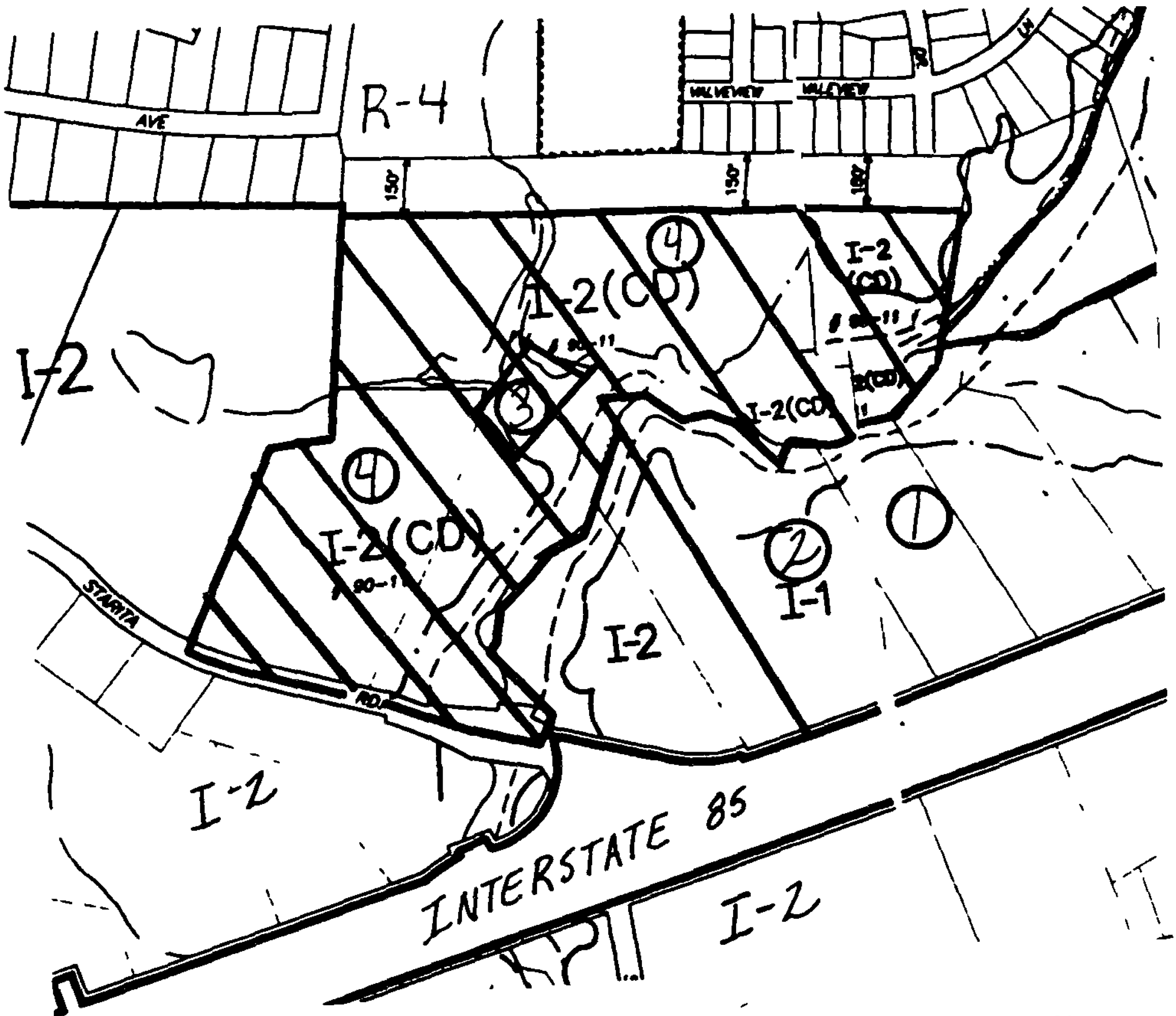
Petition #: 93-34

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'

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 93-34: Starita Road North of I-85 (Revised without a date)

This site could generate approximately 234 trips per day as currently zoned. Under the proposed zoning and based on trip generation for a 34.7 acre trucking terminal, the site could generate approximately 2,841 trips per day.

- In our previous memorandum of 5/15/93 we stated that with the information Schneider Trucking had provided to us, the proposed facility would be a "full truck load" facility and be limited to 48,930 square feet (including expansion). This specific size and type of facility would generate approximately 484 daily trips. We agreed at that time that this would not have a significant impact on the surrounding thoroughfare system. However, the revised conditional site plan submitted by the petitioner has not noted that the primary function will be "full truck load" and has increased the proposed building square footage to 95,000 square feet. Without this facility type restriction and with the square footage increase, CDOT will require that a <u>Traffic Impact Study</u> (TIS) be submitted by the petitioner.

- The preparer of the TIS must contact Scott Putnam (704) 336-7085 of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements.

- The petitioner has not addressed CDOT's requirement for a left-turn lane on Starita Road. According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/ approve all private street/ driveway and public street connections to the right-of-way of a City Street. CDOT has determined that a left-turn lane is necessary to serve the traffic using the

proposed private driveway connections. The engineering design and construction of the left-turn lane is the responsibility of the developer/owner. CDOT will only approve the proposed private driveway connections provided that a left-turn lane is constructed on Starita Road. We recommend that the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the private driveway connections. This roadway improvement is also required to meet the traffic demands of the proposed development. The left-turn lane must be designed with a minimum 150 feet of storage (additional storage maybe required depending on the results of the TIS), a 20:1 bay taper and 35:1 through lane tapers. The consultant needs to reference the previously transmitted design standards.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35'x35' and 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.

The proposed driveway connections to Starita Road 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. The location of the driveways shown on the site plan are subject to change in order to align with driveway(s) 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 bas whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflictin 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
Saxby M. Chaplin
Mr. & Mrs. J. Steve Neal
Steve Parent-Schneider National, Inc.
Rezoning File

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 8, 1993

Mayor and City Council:

RE: Petitions to be Heard in June, 1993

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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. 93-35

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

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.

Request: Change from CC to O-1(CD) and consideration of a CC site plan amendment.

BACKGROUND

1. Existing Zoning. The subject property is presently zoned CC as a result of a recent rezoning petition. Adjoining properties are zoned a combination of single family residential, Institutional, conditional office categories, and office and commercial districts.

2. Existing Land Use. The petitioned property is presently vacant with the exception of several single family homes. Adjacent properties are developed with a combination of single family residential, commercial uses, and a motel.

3. Zoning History (See Attached Map).

	Petition No.	Request	Action	Date
1.	70-5	R-12, R-12MF, B-2 to Inst.	Approved	05/18/70
2.	70-15	R-12 to B-2	Approved	05/18/70
3.	72-62(c)	Inst. to B-2	Approved	10/06/72
4.	72-89(c)	R-12 to O-9	Denied	12/06/72
5.	74-38(c)	Inst. to B-2	Approved	01/06/75
6.	89-12(c)	Inst. to O-15(CD)	Approved	05/15/89
7.	89-43	Inst. to B-1SCD	Denied	12/18/89
8.	SUP91-3	Inst. to SUP to allow fraternal organizations	Denied	11/23/91
9.	92-4	Inst. to R-3	Approved	04/20/92
10.	92-5	Inst. to O-1	Approved	07/20/92
11.	92-23	Inst. to R-5	Approved	06/15/92
12.	92-67	R-3 & Inst. to CC	Approved	02/15/93

PROPOSED SITE PLAN AMENDMENT

This petition proposes 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. Other aspects of the plan remain the same or similar. The plan provides for a proposed public street extending from W. T. Harris Boulevard into the rear of

site. The plan stipulates that no more than 350,000 square feet of retail or office space may be permitted until a contract has been let for the proposed public street construction into the site. The balance of the retail or office space may not obtain certificates of occupancy until the public street construction has been completed. The plan also sets up an internal street extending from N.C. 49 to Highway 29. Three outparcels are permitted along N.C. 49 and their access is provided from the interior of the property.

CONCLUSION

This petition carries forward the petitioner's earlier commitment to revise the previously approved concept to decrease the amount of allowable retail square footage. The plan proposes to replace a portion of the retail component with an office component. The petition is recommended for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-35
Date Filed April 5, 1993
Received By MCM
OFFICE USE ONLY

Ownership Information

Property Owner s The Foundation of the University of North Carolina at Charlotte, Inc.

Owner's Address 1960 Two First Union Center Charlotte, NC 28282

The Crosland Group, Inc. (possessor of interests in the property by reason of written contracts with owners - see attachments)
125 Scaleybark Road, Charlotte, NC 282

Date Property Acquired Under option by The Crosland Group, Inc.

Tax Parcel Number[s] See attached list

Location of Property (address or description)

Northwest corner of the interchange formed between W. T. Harris Boulevard and N.C. Highway 49 (University City Boulevard)

Description of Property

Size (Sq. Ft.-Acres) 77.4 acres

Street Frontage (ft.) U.S. Highway 29: 403.37 feet
N.C. Highway 49: 2,263.25 feet
W.T. Harris Blvd: 820.44 feet

Current Land Use Undeveloped and residential

Zoning Request

Existing Zoning (CC) Commercial Center District

Requested Zoning 0-1 (CD) and (CC) Commercial Center District

Purpose of Zoning Change To create a mixed-use development by incorporating an office component and reducing the size of the retail component.

Bailey Patrick, Jr.
227 West Trade Street
Suite 2200
Name of Agent
Charlotte, NC 28202
Agent's Address
(704) 372-1120
Telephone Number

Fred E. Bryant
1850 E. Third Street
Suite 216
Charlotte, NC 28204
(704) 333-1680

The Foundation of the University of North Carolina at Charlotte, Inc.
By:
Name of Petitioner(s) (704) 375-6220
The Crosland Group, Inc.
Address of Petitioner(s)
By:
Telephone Number
125 Scaleybark Road, Charlotte, NC 282
(704) 523-0272
Signature

Signature of Property Owner
if Other Than Petitioner

Petition #: 93-35

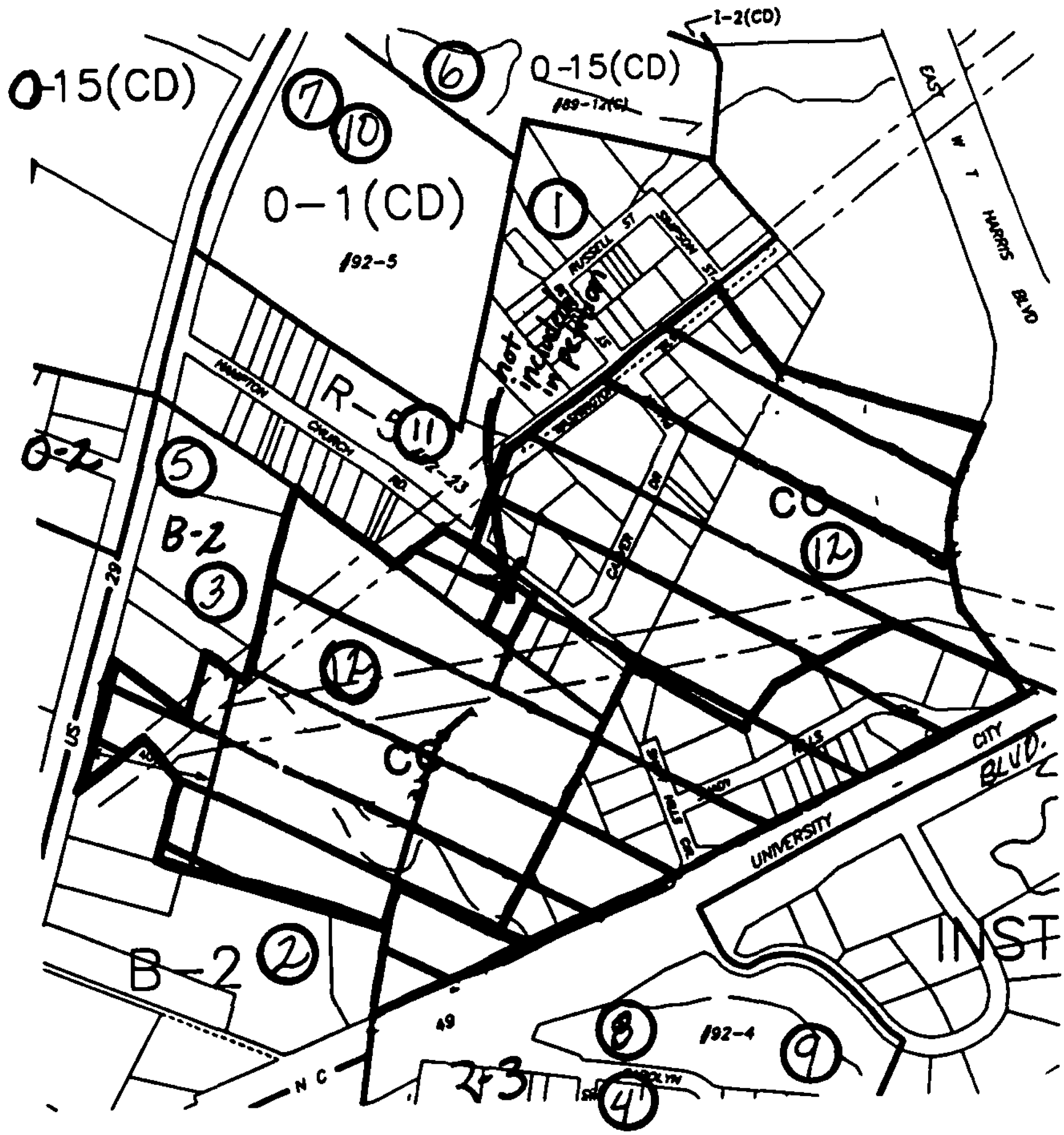
Petitioner: The Foundation of the University of North Carolina at Charlotte, Inc. and The Crosland Group, Inc.

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'

M E M O R A N D U M

DATE: May 25, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-35: W. T. Harris Boulevard and NC 49 (Revised 5/24/93)

This site could generate approximately 20,277 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (18,619 trips per day) will remain the same.

A Traffic Impact Study (TIS) was submitted by the developer to analyze the effect that site generated traffic will have on the thoroughfare system in the vicinity as part of Zoning Petition 92-67. This is a reduction in trip generation of the previously approved development. Any TIS issue not resolved at the time of the prior rezoning will be resolved prior to issuance of driveway and building permits for the site.

NC 49 and US 29 are both major thoroughfares requiring a minimum of 100 feet of right-of-way. The developer/petitioner has indicated on the plan that right-of-way exists to meet/exceed this requirement, measuring 50 feet from the centerline of each roadway.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35'x35' and 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.

The proposed driveway connections to NC 49 and US 29 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.

The location of the driveways shown on the site plan are subject to change in order to align with driveways 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.

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
Bailey Patrick, Jr.
Fred E. Bryant
The Foundation of UNCC, Inc.
The Crosland Group, Inc.
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. 93-36

Petitioner: 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 elementary and secondary schools.

BACKGROUND

With the adoption of the revised zoning ordinance in January, 1992, specific performance standards were outlined for elementary and secondary schools. Several existing schools became nonconforming as a result of the new performance standards which include locational and access criteria and buffer requirements. The nonconforming status would prohibit building expansions including expanded mobile classrooms.

As the need for the routine relocations and additions of mobile classrooms approached in the summer of 1992, elected officials were presented with a proposed zoning ordinance amendment to accommodate additional mobile classrooms at nonconforming schools limited to 50% of the total existing classrooms. The provision was viewed as a temporary measure and a sunset clause was inserted which expired January, 1993. Once again a new school year approaches along with the need for shifting of mobile classrooms. This amendment proposes to essentially make permanent the now expired provision for the allowance of additional mobile classrooms at nonconforming schools up to 50% of the total existing classrooms. The amendment also proposes a grace period of one year for installation of buffers required as a result of added mobile classrooms.

CONCLUSION

This petition proposes special provisions to accommodate a limited amount of additional mobile classrooms at existing nonconforming elementary and secondary schools as well as a temporary stay of the associated buffer requirements. The modifications are considered appropriate for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 93-36

Date Filed April 5, 1993

Received By MCM

OFFICE USE ONLY

Section No 9.203, 9.303, 12.301 (Uses in Single family and Multifamily districts, Screening and Buffers.) (Title)

Purpose of Change

To create special provisions for the placement of mobile classrooms at existing schools

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Board of Educatio

Name of Petitioner(s)

701 E. Second St., Charlotte, NC 28202

Address of Petitioner(s)

379-7000

Telephone Number

Calvin Wilbur

Signature

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 e 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 classr ›ms may not exceed more than fifty percent of the school's tota 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

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. 93-37

Petitioner: Habitat for Humanity

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

Request: Change from I-2 to R-5.

BACKGROUND

1. Existing Zoning. The subject property is zoned I-2 as are adjoining properties to the south, east, and west. Properties located to the north are zoned R-5. Scattered properties in the area are zoned B-1 , B-2, I-1(CD), and I-2.

2. Existing Land Use. The subject parcels are vacant with the exception of two single family homes and two duplexes. Properties to the south are devoted to the City's vehicle maintenance facility. A number of other industrial or commercial uses are located nearby. Properties located to the north are predominantly devoted to residential development.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates the subject property as an area of transition between existing employment uses and existing residential uses.

   2. Belmont Special Project Plan. The Belmont Special Project Plan strives to maintain the residential character of the petitioned area.

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

5. School Information. This information has not been received from school staff as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 64-33	R-6MF to I-2	Approved	06/08/64
2. 65-32	R-6MF to B-1	Denied	04/27/65
3. 65-49	R-6MF to O-6	Approved	05/31/65
4. 75-48	R-6MF to R-6	Approved	01/05/76
5. 85-37	B-2 and I-3 to UMUD	Approved	06/17/85
6. 86-19	I-1, R-6MF to I-1(CD)	Approved	07/21/86

Petition No.	Request	Action	Date
7. 87-72	UMUD & UMUD-O to UMUD-O & UMUD-O Site Plan Amendment	Approved	06/20/88
8. 88-39	I-3 to UMUD	Approved	06/20/88
9. 92-49(c)	I-1(CD) Site Plan Amendment	Approved	10/15/92

7. Neighborhood. This site lies within the Belmont neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from an industrial category to a single family residential category to allow for the development of additional housing on the petitioned property. Plans for the area encourage additional residential development. Therefore, the petition is consistent with publicly adopted plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner met with staff prior to the submittal of the application.

   2. Departmental Comments. There were no significant departmental comments due to the conventional nature of the petition. CDOT notes that the site could generate approximately 16 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 121-132 trips per day. See attached CDOT comments.

ISSUES

1. Land Use. This petition raises no land use issues. It proposes a change from an industrial category to a residential category in an area in which publicly adopted plans call for additional residential opportunities. The petition would also provide for the Seaboard Railway as a logical separation between residential and industrial development and zoning. Therefore, the petition is encouraged for approval.

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

CONCLUSION

This petition is encouraged for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-37 page 10

Date Filed May 3, 1993

Received By MCM

OFFICE USE ONLY

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

Ownership Information

Property Owner: VARIOUS - See Adendum A attached

Owner's Address: " " " A "

Date Property Acquired: NOT YET ACQUIRED

Tax Parcel Number: VARIOUS - see Adendum A attached

Location of Property (address or description): see map attached

Description of Property

Size (Sq. Ft.-Acres): _____ Street Frontage (ft.): _____

Current Land Use: VACANT EXCEPT FOR 1 OR 2 HOUSES

Zoning Request

Existing Zoning: I-2 Requested Zoning: R-5

Purpose of Zoning Change: TO ALLOW CONSTRUCTION OF HABITAT HOUSE

EUGENE M. DAVANT
Name of Agent

528 W 10th St. CHARLOTTE, NC 28202
Agent's Address

704-376-3591
Telephone Number

HABITAT FOR HUMANITY OF CHARLOTTE, INC
Name of Petitioner(s)

1328 N. CALDWELL ST.
Address of Petitioner(s)

376-2054
Telephone Number

Mr McPherson Dir Operat.
Signature

Signature of Property Owner
If Other Than Petitioner

EACH OWNER WILL BE CONTACTED AND RESPONSE IN WRITING

Petition #: 93-37

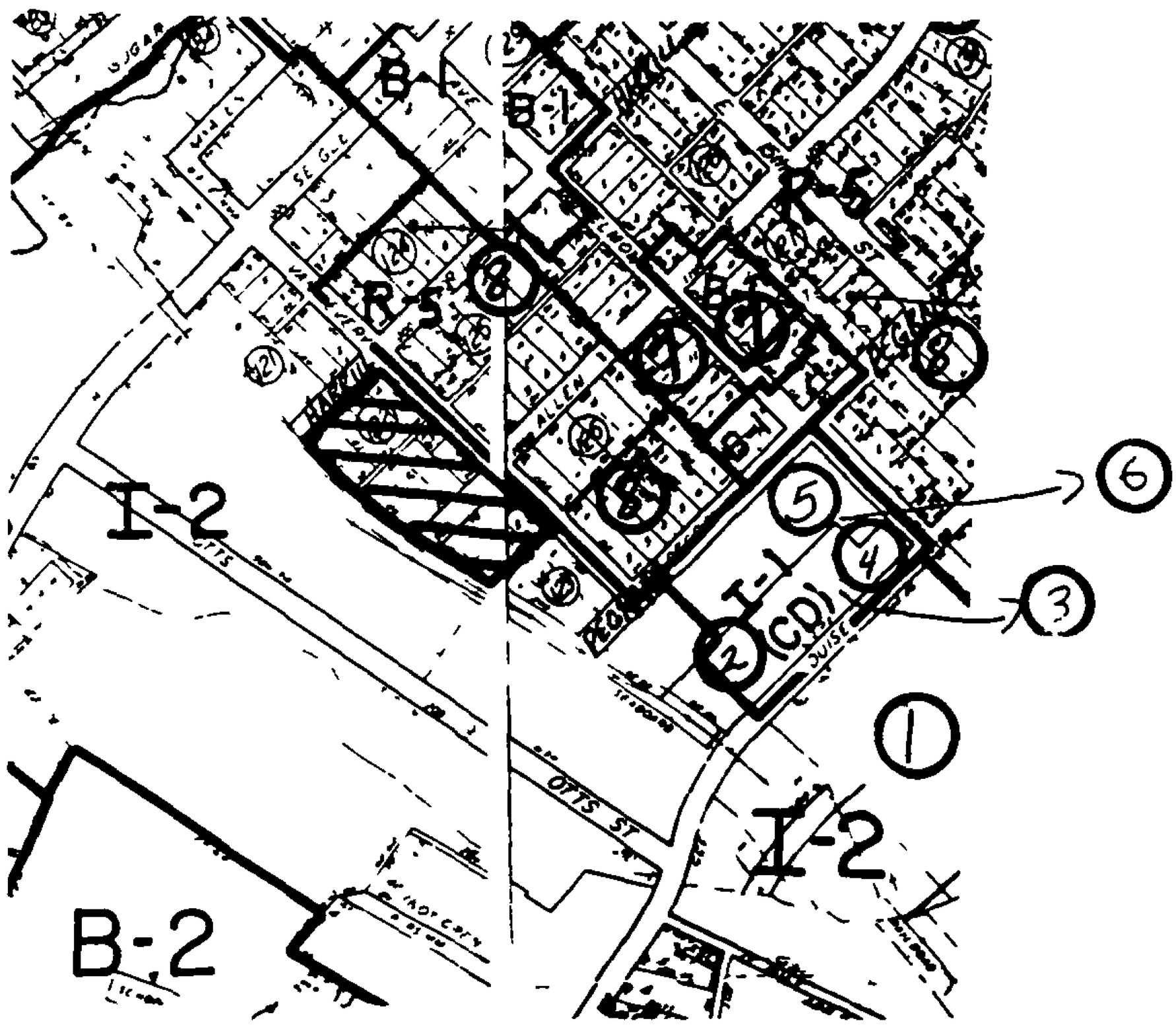
Petitioner: Habitat for Humanity of Charlotte, Inc.

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'

M E M O R A N D U M

DATE: May 26, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-37: Van Every Street from Harrill Street to Pegram Street

This site could generate approximately 16 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 121-132 trips per day. Although this is a significantly higher number, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

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
Eugene M. Dayant
Habitat For Humanity of Charlotte
Rezoning File

TO: Charlotte-Mecklenburg Planning Commission

FROM: Belmont Community Development Corporation
Nancy Berry, Executive Director Nancy Berry

DATE: June 7, 1993

SUBJECT: Case # 9337

The Belmont Community Development Corporation supports the petition of Habitat for Humanity in the rezoning of the land between Van Every Street and the railroad (Case # 9337.)

The change of use from industrial/business to residential will help protect the neighborhood from future encroachment and strengthen the neighborhood by assisting new homeowners.

Every additional homeowner in the neighborhood is a triumph, not just for that family but for all the families that are working to make their neighborhood a better, safer place.

Habitat for Humanity
CHARLOTTE

[illegible] Street P.O. Box 34 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] neighborhood by supporting the rezoning request. Your signatures, along with your address listed below, will show your support of our rezoning request.

Emma Lee Reed Reed
[illegible]
Mary Alford 1620 Harrill St.
Beverly Bradley 1401 N. Davidson St.
Arthur Robinson
Mary McManus
Gloria Brown 1220 Louise Ave.
Rose Wilson 912 N. Davidson St.
Juanita Fryer 1117 Fordham Rd
Joyce Fryer 1117 Fordham Rd
Barbie Patterson 1820 Matthewson
James Johnson 1237 FORDHAM RD
Linda McCall 815 Villa Ct
Shannon Heathers 2315 B South Oak Rd
Jesse Spencer 917 E 16 15
Hannah Cook 3400 Oak Arbor Ln #E
Agatha Lee 3400 Oak Arbor Ln #E
Dorothy H. White 1512 N. Allen Street
Keith W. White 1512 North Allen Street
[illegible] Addison 1710 Winstead St
Sandra Lee 2425 #E Kings Park Dr, Charlotte, NC 28208
Brenda Dennis 1409 Seigle Avenue

Davant Realty Company

Commercial and Investment Properties
P O Box 36445
528 West 10th Street
Charlotte, North Carolina 28236
(704) 376 3591 FAX (704) 376 3593

Eugene M Davant
President

May 24, 1993

David Withrow
5121 Chill Mark Road
Charlotte, NC 28226

Dear Mr. Withrow:

Habitat for Humanity of Charlott, Inc. is commited to the vision of reclaiming the Belmont neighborhood from the drug dealers and the other influences that have caused it to deteriorate. The new factor Habitat introduces is HOMEOWNERSHIP.

For this reason we are requesting the rezoning of the small area shown on the attached tax map. Because you are an owner of adjacent land it would help to have your approval of this zoning change so Habitat can erect homes thereon. If you agree please sign as indicated below and return one copy to me.

Our sincere thanks,

Gene Davant

E. M. Davant
Realtor of Habitat

Agreed To: no objection

By: David L. Withrow

Date: 6/2/93

Davant Realty Company

Commercial and Investment Properties
P O Box 36445
528 West 10th Street
Charlotte, North Carolina 28236
(704) 376-3591 FAX (704) 376-3593

Eugene M Davant
President

May 24, 1993

Mr. John Stewart
P. O. Box 9000
Charlotte, NC 28299

Dear Mr. Stewart:

Habitat for Humanity of Charlotte, Inc. is committed to the vision of reclaiming the Belmont neighborhood from the drug dealers and the other influences that have caused it to deteriorate. The new factor Habitat introduces is HOMEOWNERSHIP.

For this reason we are requesting the rezoning of the small area shown on the attached tax map. Because you are an owner of adjacent land it would help to have your approval of this zoning change so Habitat can erect homes thereon. If you agree please sign as indicated below and return one copy to me.

Our sincere thanks,

Gene Davant

E. M. Davant
Realtor of Habitat

Agreed To: John Stewart
By: President Building
Date: 5/25/93

Davant Realty Company

Commercial and Investment Properties
P O Box 36445
528 West 10th Street
Charlotte, North Carolina 28236
(704) 376-3591 FAX (704) 376-3593

Eugene M Davant
President

May 24, 1993

Mr. Jeff Lowder
907 N. Harrill St.
Charlotte, NC 28205

Dear Mr. Lowder:

Habitat for Humanity of Charlotte, Inc. is committed to the vision of reclaiming the Belmont neighborhood from the drug dealers and the other influences that have caused it to deteriorate. The new factor Habitat introduces is HOMEOWNERSHIP.

For this reason we are requesting the rezoning of the small area shown on the attached tax map. Because you are an owner of adjacent land it would help to have your approval of this zoning change so Habitat can erect homes thereon. If you agree please sign as indicated below and return one copy to me.

Our Sincerely thanks,

Gene Davant

E. M. Davant
Realtor of Habitat

AGREED (122) AND (123) ONLY BETWEEN HARRILL ST AND PEGRAM ST.
NOT (121) BETWEEN HARRILL AND SELLE AVE S.P.Z.

Agreed To: [signature]

By: Sarah P. Lowder

Date: June 4, 1993

Davant Realty Company

Commercial and Investment Properties
P O Box 36445
528 West 10th Street
Charlotte, North Carolina 28236
(704) 376-3591 FAX (704) 376-3593

Eugene M Davant
President

May 24, 1993

Alltime Factors
P.O. Box 11254
Charlotte, NC 28220

Dear Gentlemen:

Habitat for Humanity of Charlotte, Inc. is committed to the vision of reclaiming the Belmont Neighborhood from the drug dealers and the other influences that have caused it to deteriorate. The new factor Habitat introduces is HOMEOWNERSHIP.

For this reason we are requesting the rezoning of the small area shown on the attached tax map. Because you are an owner of adjacent land it would help to have your approval of this zoning change so Habitat can erect homes thereon. If you agree please sign as indicated below and return one copy to me.

Our sincere thanks,

E. M. Davant
Realtor of Habitat

Agreed To: ALLTIME FACTORS, INC.

By: John Owen, Sr.

Date: 6/3/93

Allison
FENCE COMPANY

CAROLINAS AGC

"Quality Service Since 1919"
1201 E 10th Street
P O Box 35628
Charlotte NC 28235

QUALITY INDUSTRIAL, COMMERCIAL & RESIDENTIAL FENCING

Charlotte 704-376-7535
Toll-Free 1-800-333-3174
Fax 704-333-6047

June 3, 1993

Charlotte Mecklenburg Planning Commission
Charlotte, North Carolina

Re: Habitat Rezoning
Belmont Neighborhood
Van Every Street
Charlotte, North Carolina

Dear Planning Commission Members:

Please support the above referenced rezoning petition by Habitat. I find this effort to be supportive of Habitat's positive efforts for this community.

Very truly yours,

C. W. Allison, III
Executive Vice President

CWA,III:pc

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 4, 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 May 24, 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, June 14, 1993. This will then permit these matters to be placed on your agenda for consideration on Monday, June 21, 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

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

DATE: May 27, 1993

PETITION NO.: 93-14

PETITIONER(S): Real Estate and Building Industry Coalition

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning ordinance to modify the vested rights provisions.

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

VOTE: Yeas: Adams, Baucom, Byrne, Heard, Motley, O'Brien, and Spencer.

Nays: None.

Absent: None.

NOTE: The Planning Committee discussed the City and County versions of this proposed text amendment simultaneously and noted that their recommendation is the same for both.

REASONS

This petition proposes an amendment to the provision in the County Zoning Ordinance which establishes vesting of property rights. The amendment, as originally submitted, proposed the creation of a vested rights certification process which would allow a property owner to obtain vested rights for up to five years following a public hearing held by the Charlotte-Mecklenburg Planning Commission. The proposal also lengthened the existing vesting provision from three years to five years. (The County Attorney noted during the course of the discussion that the current three year vesting period for conditional district rezonings may be inconsistent with State law that specifies a two year vesting period and allows up to five years based upon specified findings).

The Planning Committee discussed the petition for some time analyzing the perceived shortcomings of the current provision, the differences between the current provision and the proposed changes and the potential impact of vesting "by right" zoned property. The questions and issues and the related discussion are as follows:

What is missing from the current vesting provision that warrants correction?

The view was expressed that additional property rights are necessary in our community. An illustrative example was given that a potential corporate relocation could be jeopardized without the ability to "lock in" property rights for several years. A large relocation could be a lengthy process and a corporation may view unvested property as too risky. Another example was given involving a small property owner contemplating expansion or construction of a family business. It was noted that there is a

perception in the community that property rights are not adequately safeguarded. Other members viewed the current provisions as providing sufficient property rights protection and the proposed modification as unnecessary.

Is the proposed procedure outlined in the text amendment desirable?

There was a general consensus that the proposed quasi-judicial vested rights certification process for "by-right" zoned property would be cumbersome and should be avoided if possible. The Planning Committee viewed the current legislative process as advantageous to a quasi-judicial process. It was noted that if a quasi-judicial process is instituted one of the findings should be compliance with district or area plans. At least one Committee member felt the process should also allow for a delay if an area plan is pending.

What is the potential impact of the proposal? What are the negative consequences?

An illustrative example involving a recent rezoning petition was given to highlight the potential negative consequence of the proposal to vest "by right" zoned property. A neighborhood group recently submitted a third party petition to rezone their neighborhood from multi-family to single family residential to prevent conversion of the existing single family structures to multi-family units. A vested rights certification process would potentially allow an affected property owner to prohibit consideration of the petition. Another example related to pending watershed protection measures that could be delayed or circumvented through the vested rights certification process.

There was some agreement that the development process is complex, finding investors in projects can be difficult and developers need a period of time that they are assured of stability. At the same time, however, the area planning process must be protected.

Ultimately, there was consensus among the Planning Committee that the proposed longer vesting period of up to five years is desirable but the proposed vested rights certification process, as outlined in the text amendment, is inappropriate for approval. It was noted that the current conditional district (legislative) rezoning process is the more appropriate vesting process.

Therefore, the Committee recommends approval of the petition as modified to change the vesting period from three years to a range of from two to five years.

STAFF OPINION

The staff agrees with the recommendation of the Planning Committee.

DATE: May 24, 1993

PETITION NO.: 93-16

PETITIONER(S): Lance, Inc.

REQUEST: Change from I-2(CD) to I-2, from R-12MF to I-2(CD) and from R-12MF to I-2.

LOCATION: A 1.17 acre site located on the north side of Westinghouse Boulevard Extension east of Kings Branch Creek.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition proposes to relocate a previously approved I-2(CD) buffer from its present location to along the northerly side of Westinghouse Boulevard. To the north of the newly relocated buffer, properties are proposed for rezoning to a conventional I-2 category in conformance with the zoning pattern further to the north. The Zoning Committee viewed the petition as consistent with land use plans for the area which generally have attempted to provide adequate buffering between the industrial properties to the north and the residential properties to the south associated with the Sterling neighborhood. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

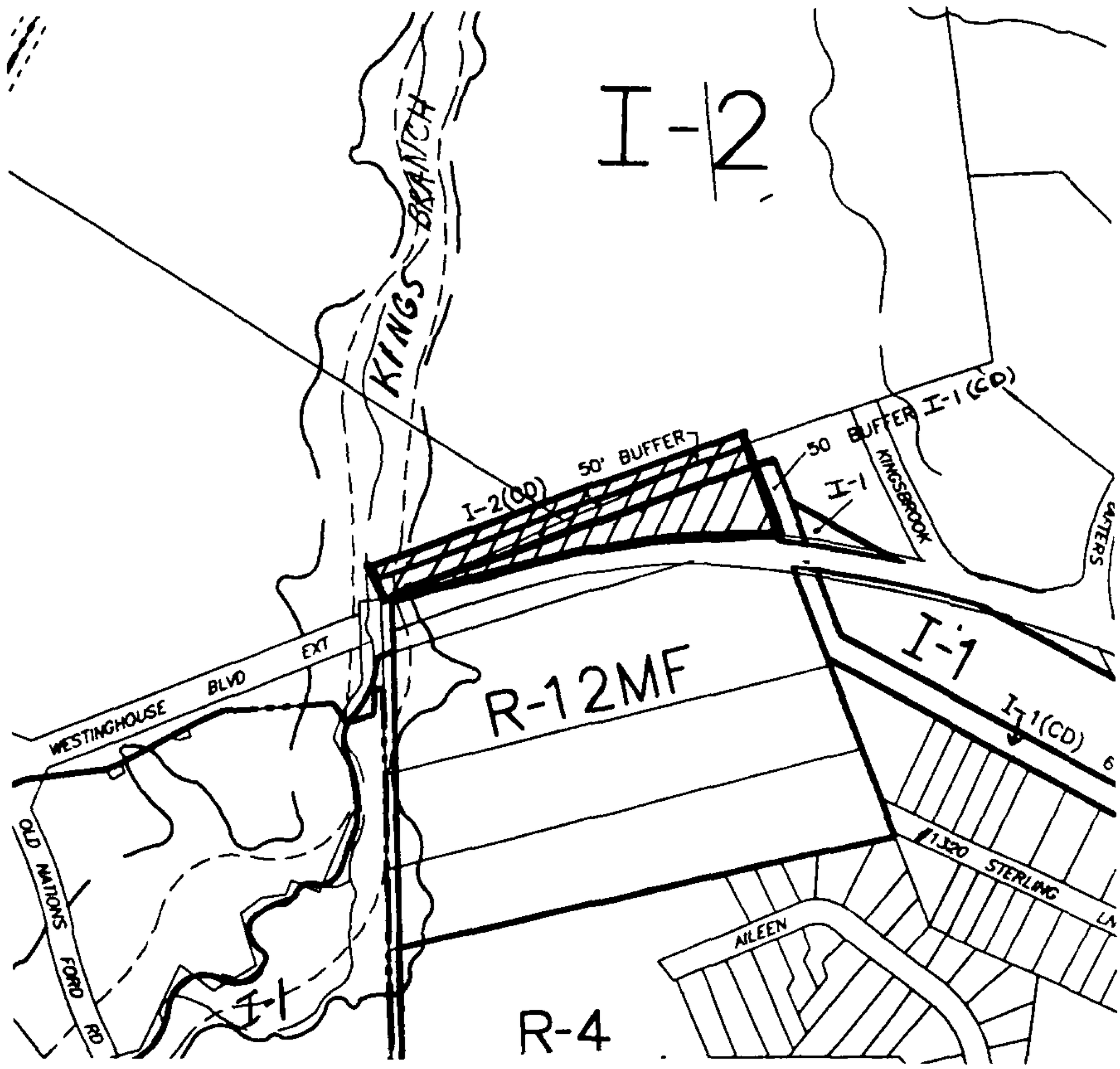
PETITIONER: Lance Inc.

PETITION NO.: 93-16 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING: R-12MF & I-2(CD)

ZONING CLASSIFICATION, REQUESTED: I-2(CD) & I-2

LOCATION: A 1.17 acre site located on the north side of Westinghouse Boulevard Extension east of Kings Branch Creek.



ZONING MAP NO(s).: 157 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

DATE: May 24, 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: A motion to deny the petition resulted in a three to two vote. Therefore, the petition is automatically deferred for 30 days and will be placed on the June 28 work session.

VOTE: Yeas: Fenning, James, and Tabor.

Nays: Jones and McClure.

Absent: Whelchel.

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 in order to allow time for the petitioner to develop a revised site plan that better addressed edge relationships and buffer treatments and to consider relocation of an existing fence to the interior of the buffer. Subsequently, the petitioner submitted a revised site plan that lowers the maximum floor area from 5,800 square feet to 4,800 square feet, provides additional plantings in the front of the site along Statesville Road, and allows no truck parking in the front of the site. The existing fence remains on the exterior of the buffer. Several Zoning Committee members expressed concern about the introduction of commercial zoning in this section of Statesville Road and the potential pressure that approval of this petition would have on adjoining properties to change to commercial uses. Several Committee members also expressed concern about the chain link fence on the exterior of the proposed buffer. However, other members noted that the neighborhood favored the petition and the commercial use is already established. A motion to deny the petition resulted in a three to two vote which is insufficient for a recommendation. Therefore, the petition is deferred until the next Zoning Committee work session.

DATE: May 24, 1993

PETITION NO.: SUB 93-1

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Subdivision Ordinance to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5).

ACTION: A motion to approve the petition with Option B resulted in a three to two vote. Therefore, the petition is automatically deferred for 30 days to the June 28 work session. *

VOTE: Yeas: Fenning, McClure, and Tabor.

Nays: James and Jones.

Absent: Whelchel.

*NOTE: The City of Charlotte must act on this petition by July 1, 1993. This ordinance adoption date was established by the State of North Carolina.

REASONS

There was lengthy discussion regarding the potential impacts of adopting the minimum State requirements for the protected area (Option A) vs. adopting more stringent development requirements compatible with those adopted by Mecklenburg County for the Mountain Island Lake Watershed (Option B). Some Committee members felt that Option B would provide better water supply protection for those jurisdictions obtaining their water supply from the Catawba River and the City and County watershed protection rules should be compatible. Other members felt that the more stringent controls adopted by the County (Option B) were specific for Mountain Island Lake and did not meet the development needs and established land use patterns for this area of the City.

The majority of the Zoning Committee agreed that the three year provision for City acceptance of BMP's maintenance in single family developments should not be included in the proposed text.

STAFF OPINION

The staff recommends that the text amendment be adopted with the language suggested by the City Engineering Department for the guarantee of installation and maintenance responsibilities of the required BMP's under the High Density Option and adopted with the more stringent protected area development standards compatible with those adopted by Mecklenburg County (Option B).

MEMORANDUM
ENGINEERING DEPARTMENT
STORM WATER SERVICES

Date June 2, 1993

TO Zoning Committee

FROM Kia Whittlesey
Storm Water Services

SUBJECT Watershed Protection Ordinances for Charlotte

This is a response to Gloria Fenning's request for a synopsis of what is a construction bond

Developers of subdivisions may either construct all public improvements (streets, storm drains, etc) before lots can be platted and sold or post a bond insuring the completion of the public improvements By posting a bond, the developer may sell lots and construction may begin on individual lots before all public improvements are completed

We are recommending that subdividers who want to take advantage of the high density option in the watershed protection overlay district also post bonds for ponds installed as water quality BMPs These BMPs can easily be incorporated in the existing bonding process for subdivisions A second bond would not be required

The bonding process is fairly simple
-Developers of subdivisions contact City staff when they wish to post a bond
-City staff prepares a cost estimate of the expenses to the City if the developer were to default on improvements
-The developer then secures a bond, usually in the form of a surety bond or a letter of credit from a bank
-The surety bond or letter of credit is given to the City to keep until improvements have been made and accepted by the City

At the Zoning Committee meeting on May 24, some committee members were concerned that this may become a perpetual bond for subdivisions which become inactive before reaching 75% of certificate of occupancy **We understand this concern and would be receptive to releasing bonds when there has been <u>no</u> subdivision or building permit <u>activity</u> for three years and the BMP has been approved by the Engineering Dept.**

CKW/BOND

DRAFT 6/3/93

ORDINANCE NO. _____ AMENDING CHAPTER 20

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

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

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

1. Amend Section 7.200 by:

A. Add following new paragraph:

.11 Lots Within Catawba River/Lake Wylie Watershed Protection Area

The purpose of the Catawba River/Lake Wylie Watershed Protection Area is to provide for the protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated thereunder.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries.

A map showing the Catawba River/Lake Wylie Watershed Protection Area and its subareas (if any) is incorporated herein as Appendix A. Should the area be more specifically defined in the City of Charlotte Zoning Ordinance by use of major landmarks such as roads and property lines to adjust the boundary, the boundary as described in the Zoning Ordinance shall control over those described in this ordinance.

For the purpose of this section, the following terms will have the definitions indicated below.

BMP's. Best Management Practices. A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

DRAFT 6/3/93

BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILT-UPON AREA (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts) etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project.

CRITICAL AREAS. The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed.

NORMAL POOL ELEVATION. The Catawba River/Lake Wylie normal pool elevation as determined by the United States Geological Survey (U.S.G.S.) Datum.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on United States Geological Survey Quadrangle Maps.

PROTECTED AREA. The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Areas.

SEPTIC TANK SYSTEM. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATERSHED. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

1. <u>Critical Area Development Standards</u>:

(not used)

DRAFT 6/3/93

2. Protected Area Development Standards:

Minimum lot area -

minimum required in underlying zoning district

Maximum Allowable Built Upon Area Per project (% B.U.).

low density option - 24%
high density option - 70%
(structural BMP's)*

* STRUCTURAL BMP's. Wet detention ponds are required under the High Density Option. Other types of Structural BMP's may also be required.

Cluster Development is allowed within the Protected Area.

BUFFER AREAS REQUIREMENTS. Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream. In the Protected Area the minimum buffer widths are as follows:

low density option - 30'
high density option - 100'

No permanent structures, built upon areas, septic tank systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved by the County Environmental Protection Department.

b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.

c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials. Non-impervious recreational uses are permitted provided they are located a minimum of 30 feet from the stream bank.

DRAFT 6/3/93

d. The City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.

e. In the protected area non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of thirty feet (30') from the stream bank.

3. Posting of Financial Security Required

A. When Structural BMP's (wet detention ponds and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing. The owner may then petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.

DRAFT 6/3/93

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____

City Attorney

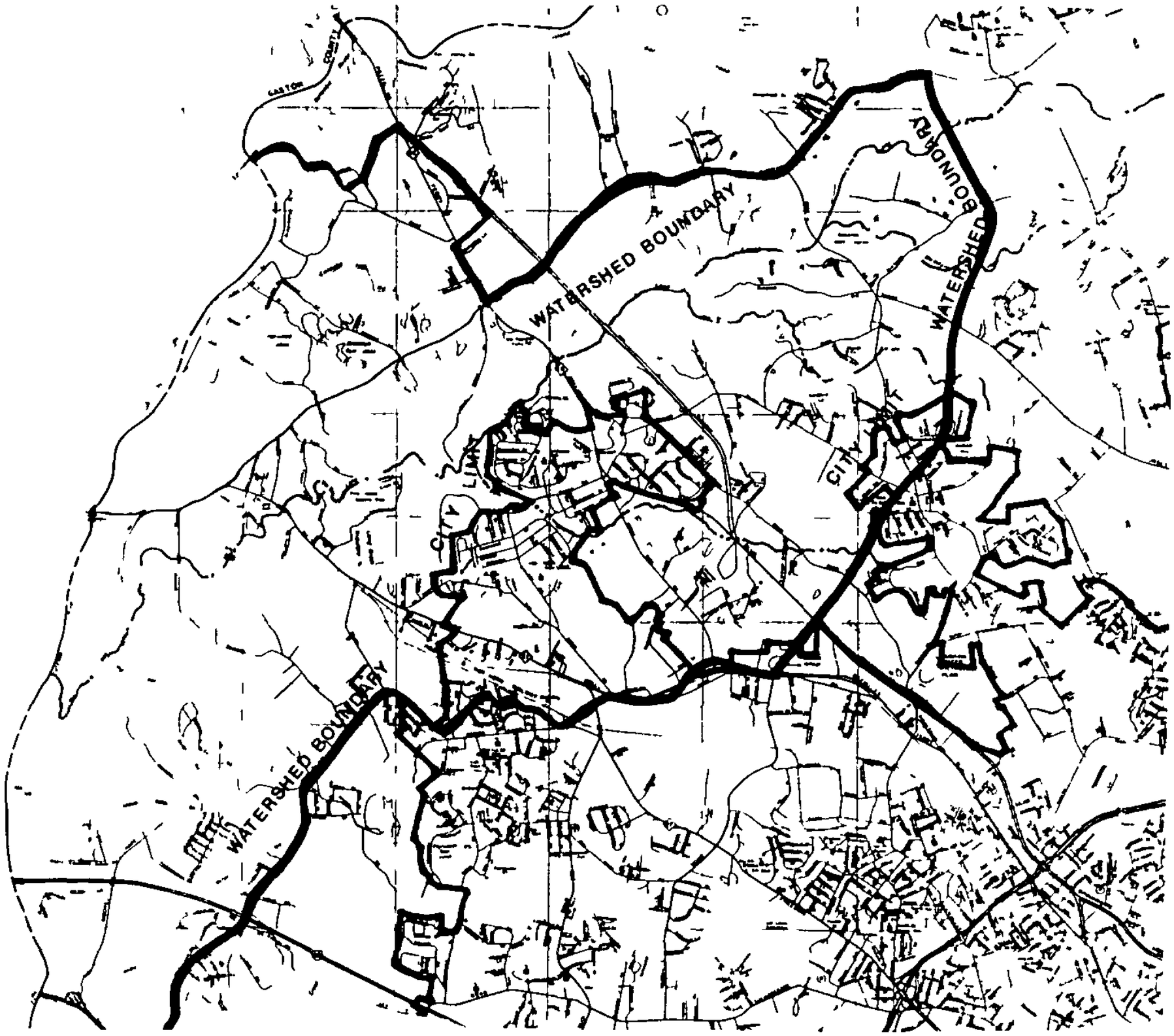
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, is regular session convened on the _____ day of _____, 19 ____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, beginning on Page _____.

_____

Brenda Freeze, City Clerk

CATAWABA RIVER / LAKE WYLIE WATERSHED PROTECTION AREA

Appendix A (Ref. Section 7.200.11)



Scale:
1" =6,000'

DATE: May 24, 1993

PETITION NO.: 93-19

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to establish the Catawba River/Lake Wylie Watershed Overlay District.

ACTION: The Zoning Committee recommends that this petition be approved with protected area development standards that exceed the State minimum requirements and are compatible with those adopted by Mecklenburg County for the Mountain Island Lake Watershed (Option B).

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

After lengthy discussions, the Zoning Committee voted to recommend the adoption of the text amendment with the more stringent protected area development standards (Option B). During the discussion, however, consensus was not reached regarding the inclusion of the three year provision for City acceptance of BMP's maintenance under the High Density Option.

STAFF OPINION

The staff agrees with the Zoning Committee's recommendation for adoption of the text amendment with the more stringent protected area development standards (Option B) and recommends that the text amendment be adopted with the suggested language of the City Engineering Department for the guarantee of BMP installation and maintenance responsibilities under the High Density Option.

City of Charlotte Text Amendments for Watershed Protection

Review of issues following public hearing by Charlotte Storm Water Services June, 1993

During the public hearing for subdivision and zoning text changes to address watershed protection, there were questions concerning the construction and operation of Best Management Practices (BMP's) The following information is provided to clarify the recommendations of the Storm Water Services Division of the Engineering Department (Part III of the Staff Analysis Addendum) and address questions raised during the hearing

How do BMP's relate to current storm water development requirements?

"Best Management Practice" as used by the State in watershed protection requirements means a pond that collects surface water runoff during a storm and provides a degree of "treatment" to improve the water quality before discharging it to storm drains and streams These ponds are very similar to the sediment and detention ponds the City has required developers to construct since the mid-seventies In fact, the same pond will typically serve all three purposes on a development site

1 **Sediment pond-** From the beginning of construction on a site, a sediment pond is installed to contain silt and sediment Runoff is directed into the pond and discharged slowly, causing the sediment carried from the bare earth of the construction site to settle to the bottom of the pond The sediment accumulates in the pond and must be periodically removed during the life of construction

   Sediment ponds and all erosion control devices on a site are maintained by the developer/contractor, and inspected by the City throughout the construction period

2 **Detention pond-** When construction is complete, the amount of runoff from the development has typically been increased by the creation of impervious area - rooftops, pavement, sidewalks, etc The sediment pond used during construction is now converted to a permanent facility that will collect runoff during storms and release it slowly into downstream storm drains and creeks in order to reduce the impact of the development on the drainage system

   Detention ponds are maintained by the property owner

3 **Wet Detention pond (BMP)-** A wet detention pond is designed to hold the water longer and have a permanent pool of water The longer "holding" time for the water causes more impurities to settle out, the permanent pool provides additional settling time and prevents subsequent storms from "stirring up" existing sediment, thereby improving water quality A schematic of a wet detention pond (BMP) is attached

   A pond can be designed to satisfy both detention and quality objectives

How should the City insure that BMP's will be constructed by a developer?

Subdivisions- Developers of subdivisions are currently required to construct all public improvements (streets, storm drains etc) before lots can be platted and sold, or, a bond may be posted insuring the completion of the public facilities, allowing the lots to be sold and construction to begin sooner on individual sites Where water quality BMP s are required in a subdivision, the pond(s) can simply be included in this existing process to insure their proper construction A second bonding process specifically for BMP's is not necessary

Commercial properties- Developers of commercial properties must currently complete all regulatory requirements before a "certificate of occupancy" is issued by the Building Standards Department Where water quality BMP's are required, the pond(s) can be included in this existing process to insure their proper construction Requiring a new bonding process would be an unnecessary burden on both developers and staff

Why should the developer/property owner be required to maintain BMP's?

Single family subdivisions- As described above, the first phase of a BMP in a subdivision is as a sediment basin, and the purpose is to prevent silt and sediment resulting from construction from leaving the site The developer constructs the streets, storm drains, and a sediment pond that will serve the many home sites The developer is currently responsible for cleaning the sediment from the pond until seventy-five percent of homes are completed, at which time, the developer removes the pond, and individual homebuilders (usually different companies) are responsible for erosion control on the individual home sites Detention ponds for quantity purposes are not currently required in single family subdivisions

When watershed protection standards apply to a subdivision, the pond used as a sediment pond during construction will be converted to a permanent water quality pond It is appropriate that the developer continue to maintain the pond as a sediment pond until seventy five percent of homes are completed, and then convert it to a permanent facility At that time, the City should assume responsibility for maintenance if requested, since a neighborhood of homeowners is typically not structured to provide the necessary maintenance

Limiting the period of time a developer must maintain the sediment pond (such as three years) would be a reduction in current standards in most cases based on the research of the County Engineering Department A review of county subdivision records found that after three years, approximately nineteen percent of subdivisions had completed seventy-five percent or more of the homes After five years, only fifty-seven percent had seventy-five percent completion

Commercial sites and subdivisions- Property owners have traditionally been responsible for the maintenance of sediment ponds and detention ponds for their site These regulations protect the City's drainage system from sedimentation and increased rates of runoff The watershed protection BMP's are a new requirement associated with optional high density development to address the impact of a development on the City's water quality, and should be maintained at the expense of the property owner rather than the storm water utility ratepayers The utility's rate structure allows property owners credit against their fee proportional to how well their pond reduces the impact of the development Credits are given for the combination of peak reduction, volume reduction, and improved quality If the BMP improves runoff to pre-developed conditions in all three areas, the property owner can receive full credit on their storm water fee The property owner must maintain the facility to receive the credit

How can the City recover costs for maintaining a BMP if the property owner defaults?

By including civil penalties in the ordinance as recommended, the City may be able to recover a portion or all of its costs should it be necessary to make repairs to a private BMP Legislative action is required for the City to be able to impose liens for this purpose However the City Attorney is investigating contractual liens where the property owner would grant the City the right to file a lien as a condition of approval of the high density option

The following chart illustrates the procedures in place to insure the construction of BMP's and the responsibility for maintenance of BMP's.

	Construction of Best Management Practices	Maintenance of Best Management Practices
Single Family Subdivisions	Existing Bonding Process	**During construction:** developer/contractor **After 75% completion:** City by request
Commercial Subdivisions and Multi-family	Existing Bonding Process	Property Owner
Other Properties	Existing "Certificate of Occupancy" Process	Property Owner

Why not allow the 36% built upon category suggested by the Chamber Land Use Committee?

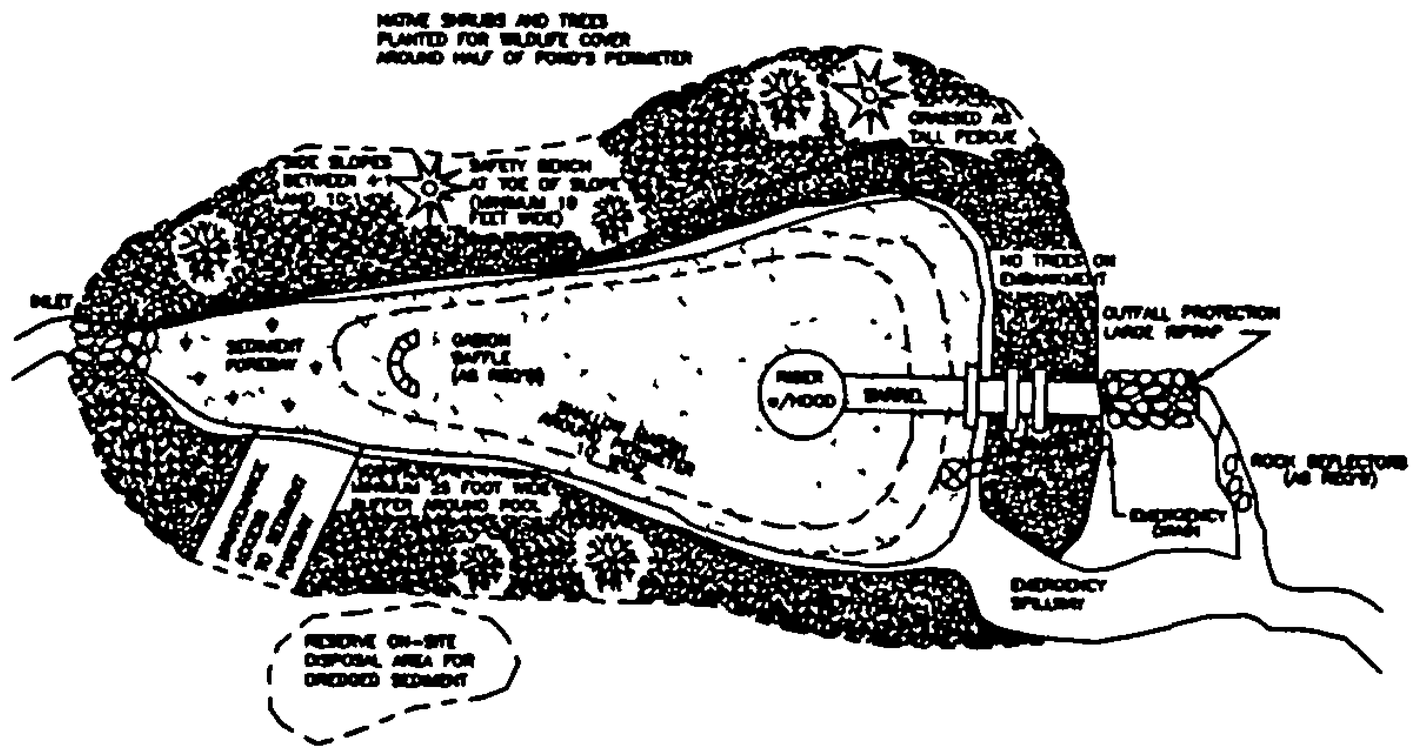
The 36% category would allow more dense development in subdivisions not having curb and gutter Current City subdivision regulations require curb and gutter long term maintenance costs to the abutting property owners and the City are greater for roadside ditches, curb and gutter protects the edge of the pavement, and the curb provides a safety element by delineating the edge of the roadway

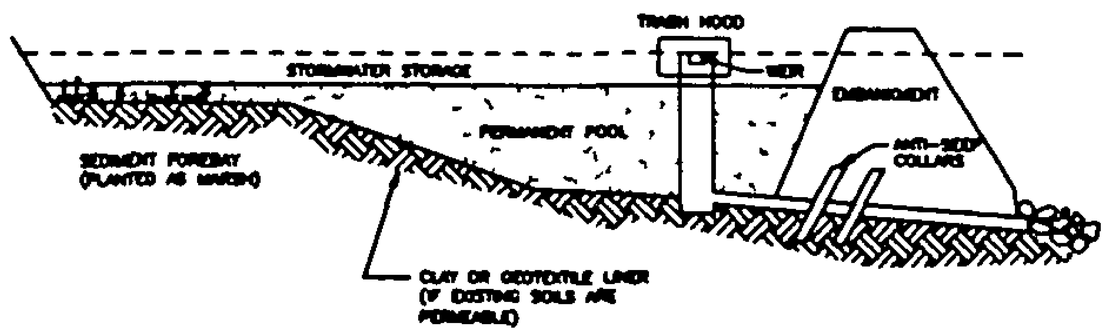
How much does it cost to maintain a BMP?

According to Guilford County who has been constructing wet detention ponds for nine years, small shallow ponds can be cleaned for about $1 000 An acre pond may cost as much as $30,000 to remove deposits Ponds need cleaning on the average every ten years These costs do not include routine mowing and debris removal, occasional pipe and dam repairs, or re-establishing plants after clean-out

SCHEMATIC OF TYPICAL WET POND

TOP VIEW





SIDE VIEW

REFERENCE: CONTROLLING URBAN RUNOFF [1]

NOT TO SCALE

Petition No.
Petitioner: CMPC

DRAFT 6/4/93

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 10: OVERLAY DISTRICTS by:

A. Adding a new PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Part 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY

Section 10.601 Purpose

The purpose of the Catawba River/Lake Wylie Watershed Overlay District is to provide for the protection of public water supplies as required by the N.C. Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated thereunder. The Catawba River/Lake Wylie Watershed Overlay may be an overlay in any district established in Chapters 9 and 11. The Catawba River/Lake Wylie Watershed Overlay District supplements the uses or development requirements of the underlying zoning district within the Catawba River/Lake Wylie Watershed Protection Area to ensure protection of public water supplies. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified under the Catawba River/Lake Wylie Watershed Overlay District.

The Catawba River/Lake Wylie Watershed Protection Area is that area within Mecklenburg County which contributes surface drainage into the Catawba River and its tributaries. The Catawba River/Lake Wylie Watershed Protection subareas are specifically defined on the City of Charlotte Zoning Maps.

Section 10.602 General Definitions

For the purposes of Chapter 10 Part 6, the following words and phrases shall be defined as specified below.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

DRAFT 6/4/93

Best Management Practices (BMP's). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP's. non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Buffer. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Discharge. The addition of any man induced waste effluent either directly or indirectly to N.C. surface waters.

Existing Development. Existing development, as defined for the purposes of this Part, means projects for which a certificate of compliance has been issued, projects for which a building permit has been issued, property which has been subdivided by a recorded instrument, or projects which have obtained vested rights under Section 1.105 and/or Section 1.110 as of the date of adoption of the amendment incorporating this subpart into this Ordinance.

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

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Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

(1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

(2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;

(3) stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or

(4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Nonresidential Development. All development other than residential development, agriculture and silvilculture.

Normal Pool Elevation. The Catawba River, Lake Wylie normal pool elevation as determined by United States Geological Survey (U.S.G.S.) Datum.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on United States Geological Survey Quadrangle Maps.

Protected Area. The area adjoining and upstream of the Critical Area and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total

6/4/93

number of parcels or lots is not increased and the resultant parcels are equal to the standards of this ordinance.

2. The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.

3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.

5. The division of land plots or lots for use as a cemetery.

6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.

7. The lease of space or other area within a building owned by the landlord.

8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.

9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.

11. Transfers of tracts or parcels by inheritance or bona fide gift.

12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its

DRAFT 6/4/93

basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Section 10.603 Exceptions to Applicability

1. Existing Development, as defined in this part is not subject to the requirements of this part. Expansion to structures classified as existing development must meet the requirements of this part, however, the built upon area of the existing development is not required to be included in the calculations.

2. An existing lot, as defined in this Part, owned prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject only to the buffer requirements of Section 10.608 of this part; however, this exemption is not applicable to multiple contiguous lots under single ownership.

3. Existing public utilities may expand without being subject to the restrictions of this part provided that:

   a. Such expansion complies with all applicable laws of the State of North Carolina and the United States of America; and

   b. Discharges associated with the existing public utilities may be expanded, however the pollutant load shall not be increased beyond presently permitted levels.

Section 10.604 not used

Section 10.605 Uses and Standards established

1. Critical Areas (not used)

2. Protected Area

   The intent is to allow development with fewer restrictions in the protected area than in a critical area because the risk of water quality degradation from pollution is less in the protected area than in a critical area. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.

DRAFT 6/4/93

(A) Uses Permitted By Right

All those permitted in the underlying zoning district except as provided in Section 10.605.2(D).

(B) Uses Permitted under Prescribed Conditions

Those listed below and all those permitted in the underlying zoning district except as provided in Section 10.605.2(D)

1. Structural BMP's, where allowed under the High Density Option, subject to regulations of Section 10.609

2. Storage of Hazardous Materials, subject to the filing of a spill/failure containment plan with the City of Charlotte Fire Department.

(C) Permitted Accessory Uses and Structures

All those permitted in the underlying zoning district except as provided in Section 10.605.2(D).

(D) Prohibited Uses

1. Industrial Process Discharges, new, requiring NPDES permits

2. Landfills, off-site demolition

3. Landfills, sanitary

4. Petroleum Contaminated Soils, Treatment or Disposal (Landfarming)

5. Wastewater treatment facilities, privately-owned, requiring NPDES permits.

Section 10.606 Development Standards for the Catawba River/Lake Wylie Watershed Overlay

All uses permitted in the Catawba River/Lake Wylie Watershed Overlay shall meet the applicable development standards established in this section and all other requirements of these regulations.

1. Critical Area (not used)

2. Protected Area

A. Area, yard, and bulk regulations shall be as follows:

1. Maximum Residential Density (D.U./AC)

Maximum allowed in underlying district

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2. Minimum lot area

Minimum required in underlying district

3. Maximum Allowable Built Upon Area (% B.U.)

a. Residential
   1. low density option - 24%
   2. high density option (1) - 50%

b. Nonresidential
   1. low density option - 24%
   2. high density option (1) - 50%

Footnote to Chart 10.606.2(A3)

(1) High Density Option - See Section 10.609

Section 10.607 Cluster Development

Cluster Development, as defined in Section 2.201(C6) is permitted in the Protected Area in accordance with the following regulations.

1. Subject to all the cluster requirements of the underlying zoning district.

2. % B.U. shall not exceed the allowed % B.U. for the watershed area. [Section 10.606.2(A1)]

3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious recreational uses are permitted provided that they are located a minimum of 30 feet from the stream bank. Impervious recreational uses are permitted if they are located outside of any required buffer and do not exceed the allowable percentage built upon for the project.

4. Subject to the buffer area requirements of Section 10.608.

Section 10.608 Buffer areas Required

Vegetative buffers are required along all perennial streams measured from the bank on each side of the stream.

1. Critical Area (not used)

2. Protected Area

In the protected area the minimum buffer areas are as follows:

a. All areas adjacent to perennial streams:
   1. low density option - 50'

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2. high density option - 100'

3. Additional buffer requirements·

No permanent structures, built upon areas, septic tanks systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon Mecklenburg County Environmental Protection Department guidelines and as approved by the County Environmental Protection Department.

b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.

c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.

d. During new development or the expansion of existing development the City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on Mecklenburg County Environmental Protection Department guidelines.

e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.

Section 10.609 <u>High Density Option</u>

The High Density Option allows for a greater development density provided engineered controls (structural BMP's) are used to manage stormwater runoff. Wet detention ponds are required under the High Density Option. Their function is to provide storage and treatment of the pollutants contained in stormwater. Other types of structural BMP's may also be required. High density development shall meet the requirements of this section, the Land Development Standards Manual and other published standards of the City Engineering Department.

1. High Density Permit Application.

A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

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B. Application for a High Density Development Permit shall be submitted as follows:

1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Commission will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.

2. Development plans not subject to the Subdivision Ordinance will submit the High Density Development Permit to the City Engineer as part of the Sediment and Erosion Control requirements of the building permit application process.

3. Applications for the High Density Option shall be made on the proper form and shall include the following information:

   a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.

   b. Required number of development plans and specifications of the stormwater control structure.

   c. Submittal of a sediment and erosion control plan to the appropriate agency.

   d. Permit application fees.

2. Stormwater Control Structures

A. All stormwater control structures shall be designed and stamped by either a North Carolina registered professional engineer or landscape architect.

B. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the design criteria and standards contained in the Land Development Standards Manual and other published standards of the City Engineering Department.

C. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

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D. The design of the stormwater control structure shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

3. Posting of Financial Security Required

A. When Structural BMP's (wet detention pond and all other BMP's) are required under the High Density Option, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the wet detention pond, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing. The owner may then petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.

4. Additional Requirements

A. An Occupancy Permit shall not be issued for any building within the permitted development until the City Engineering Department has approved the stormwater control structure, as provided in Section 10.608.3(A).

Section 10.610 Appeals and Variances

A. Appeals and variances from this part that do not exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission shall be subject to Chapter 5 of these regulations.

B. Appeals and variances from this part that exceed the minimum statewide water supply watershed management requirements established by the North Carolina Environmental Management Commission will be subject to Chapter 5 of these regulations and the subject to review

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and approval by the North Carolina Environmental Management Commission.

Section 2. That this resolution 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 _____.

_____
Brenda Freeze, City Clerk

DATE: May 24, 1993

PETITION NO.: 93-20

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Establishment of the Catawba River/Lake Wylie Watershed Overlay District.

LOCATION: Approximately 1,950 acres within the Charlotte City Limits located within the Catawba River/Lake Wylie Watershed Protection Area generally north of Mt. Holly Road and west of Oakdale Road.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition establishes the Catawba River/Lake Wylie Watershed Overlay District and amends the official zoning maps to include approximately 1,950 acres into the district.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER CMPC

PETITION NO. 93-20 HEARING DATE: April 19, 1993

ZONING CLASSIFICATION, EXISTING: Various zoning classifications

ZONING CLASSIFICATION, REQUESTED: Catawba River/Lake Wylie Watershed Overlay.

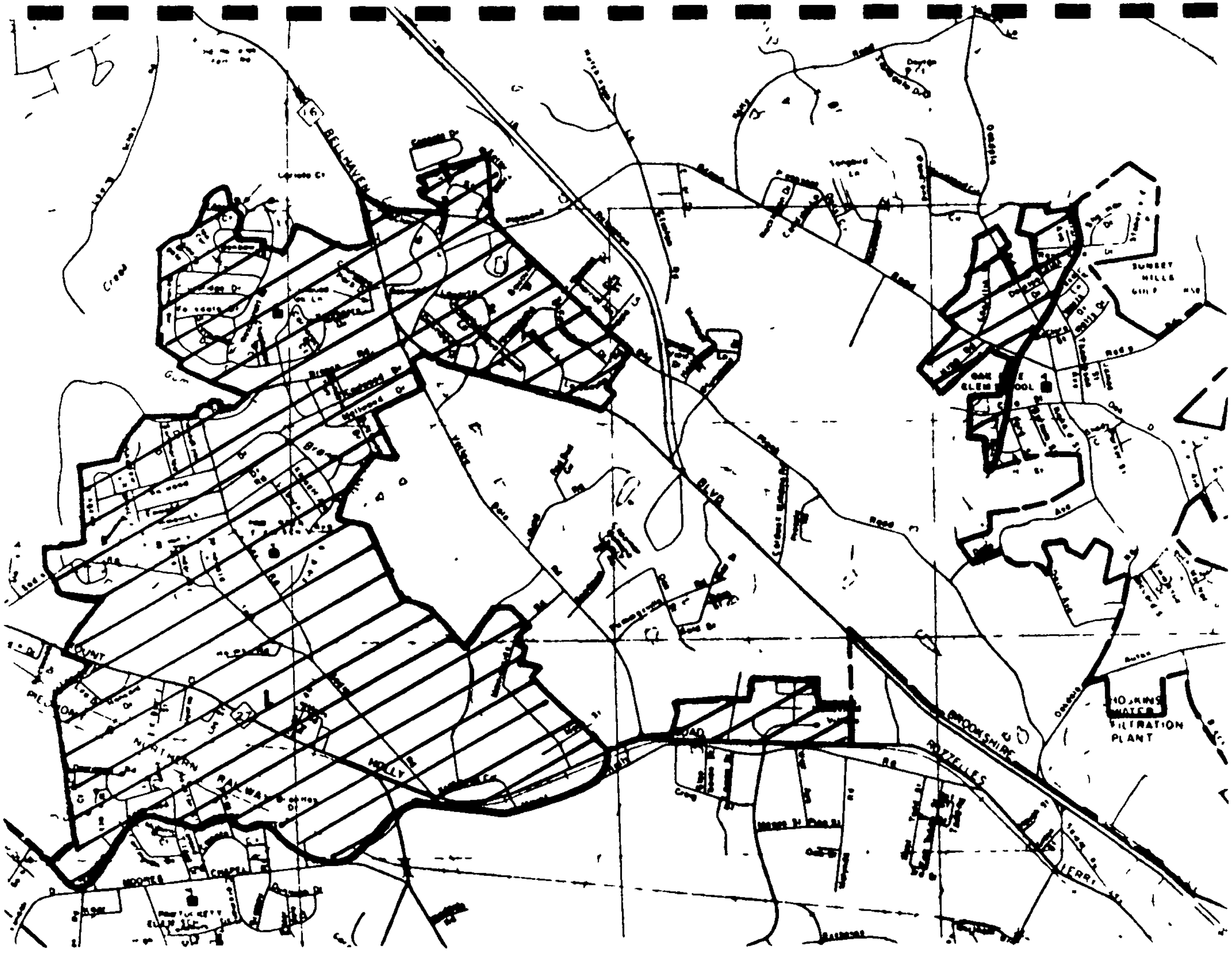
LOCATION: Approximately 1,950 acres located in the Catawba River/Lake Wylie Watershed.

SEE ATTACHED MAP

ZONING MAP NO(s).: Several

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


16
BELLHAVEN
BLVD
BROOKSHIRE
FRIZELLES
SUNSET HILLS
FILTRATION PLANT

DATE: May 24, 1993

PETITION NO.: 93-21

PETITIONER(S): John and Theodora Davidson

REQUEST: Change from R-5 to R-17MF.

LOCATION: A .4 acre site located on the southerly side of I-85 east of Tennessee Avenue.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition proposes rezoning from a single family residential category to a multi-family residential category. The petitioner indicates that the purpose of the rezoning is to accommodate an expansion of the existing day care center. Publicly adopted plans for the area recognize the desirability of single family residential zoning and development in the area. There was concern among Zoning Committee members regarding the conventional nature of the petition and a conditional approach was viewed as necessary in this case. Therefore, the Zoning Committee deferred action on the petition to allow time for the petitioner to submit a conditional zoning plan.

DATE: May 24, 1993

PETITION NO.: 93-22

PETITIONER(S): Malcolm & Bessie Blakenship

REQUEST: Change from R-3 to R-MH.

LOCATION: Approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Road.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition proposes rezoning from a single family residential category to the mobile home district to allow an expansion of the adjacent mobile home park. Subsequent to the public hearing on this request, the petitioner requested a 30 day deferral to allow time for modifications to the site plan which accompanies this petition. The Zoning Committee viewed deferral for potential site plan modifications as inappropriate at this point. It was noted that there has been ample time to prepare a site plan which met neighborhood concerns. There was also concern about additional mobile home park zoning in an area with an abundance of mobile home park development. Therefore, the Zoning Committee rejected the request for deferral and recommends that this petition be denied.

STAFF OPINION

The staff viewed the proposed mobile home park expansion as appropriate for approval only with an improved site plan.

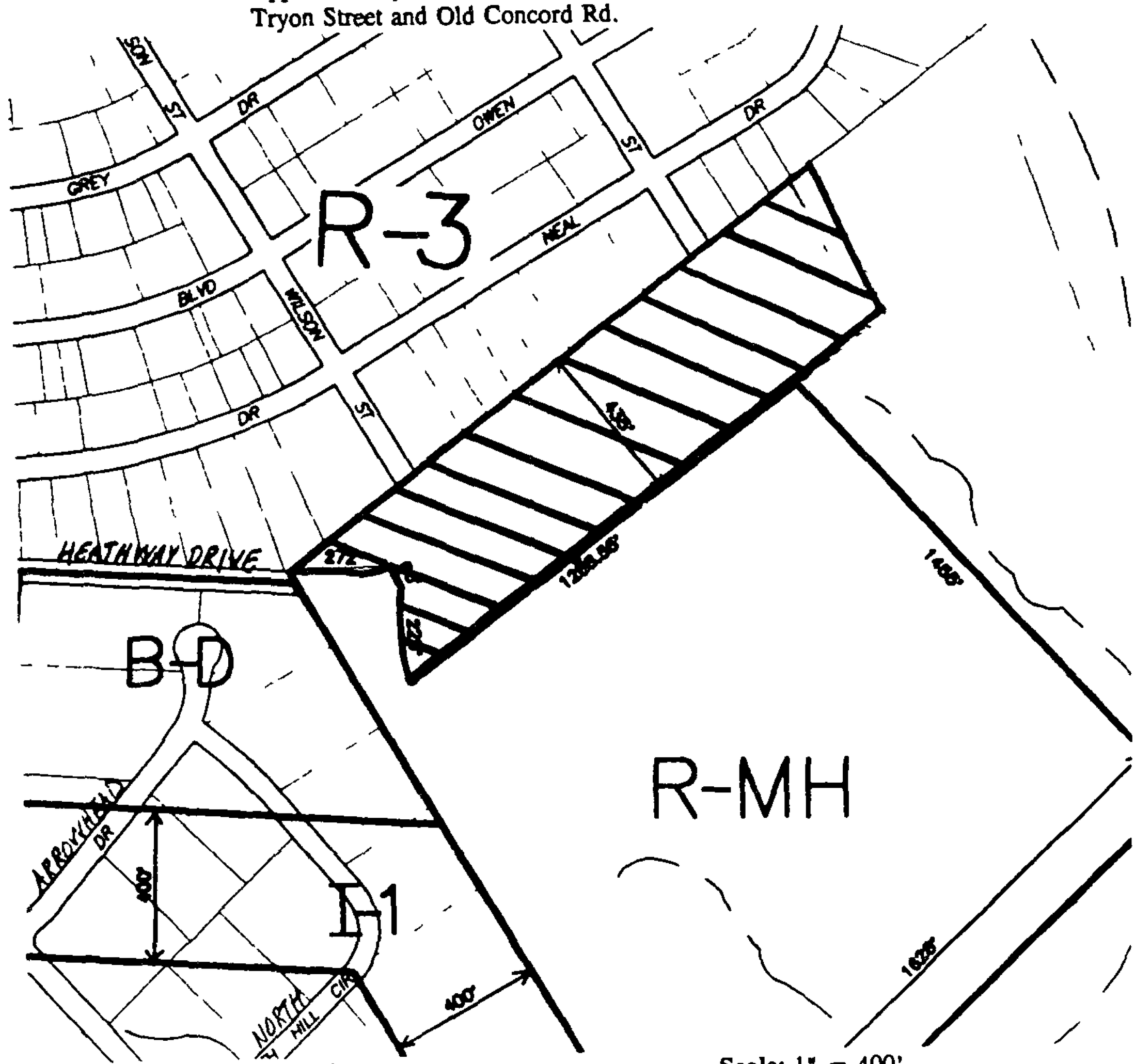
Petition #: 93-22

Petitioner: Malcolm & Bessie Blakenship **Hearing Date:** May 17, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-MH

Location: Approximately 16 acres located at the end of Heathway Drive between North Tryon Street and Old Concord Rd.



Zoning Map #(s): 77

Scale: 1" = 400'

DATE: May 24, 1993

PETITION NO.: 93-23

PETITIONER(S): Fawzy M. & Fatima F. 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 just south of Nancy Drive.

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

VOTE: Yeas: Fenning, James, Jones, and Tabor.

Nays: McClure.

Absent: Whelchel.

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 Zoning Committee discussed the issues that arose at the public hearing on this request including the buffer treatment along the single family residential edge and the overall density of the petition. It was noted that a masonry wall would be a preferable edge treatment to the proposed wooden slat fence along the edge of the day care project and that the proposed increase in the number of children at the day care from 52 to 100 is too dense for this site. It was noted that the proposed play area for the day care is inadequate particularly in light of the amount of available land included in the petition otherwise. Ultimately, the Zoning Committee viewed a 30 day deferral to allow time for the petitioner to improve the site plan as appropriate.

MINORITY OPINION

The minority opinion viewed a deferral for site plan modifications as insufficient in that the proposal is inappropriate in this area. The overall project is too dense and proposes too significant an increase in the number of children at the day care.

DATE: May 24, 1993

PETITION NO.: 93-24

PETITIONER(S): Derrick B. Knox

REQUEST: Change from R-12MF to B-1(CD).

LOCATION: Approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition proposes rezoning from a multi-family residential category to a conditional commercial category to accommodate a 5,000 to 6,000 square foot computer training and sales center. The Zoning Committee noted that the proposed commercial zoning district is inconsistent with plans for the area but viewed the proposed use as more realistic than the existing multi-family zoning category. It was noted that the proposed use is a low traffic generator and the plan is sensitive to the adjoining properties. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff views the introduction of commercial zoning on this portion of Nevins Road as inappropriate.

Petition #: 93-24

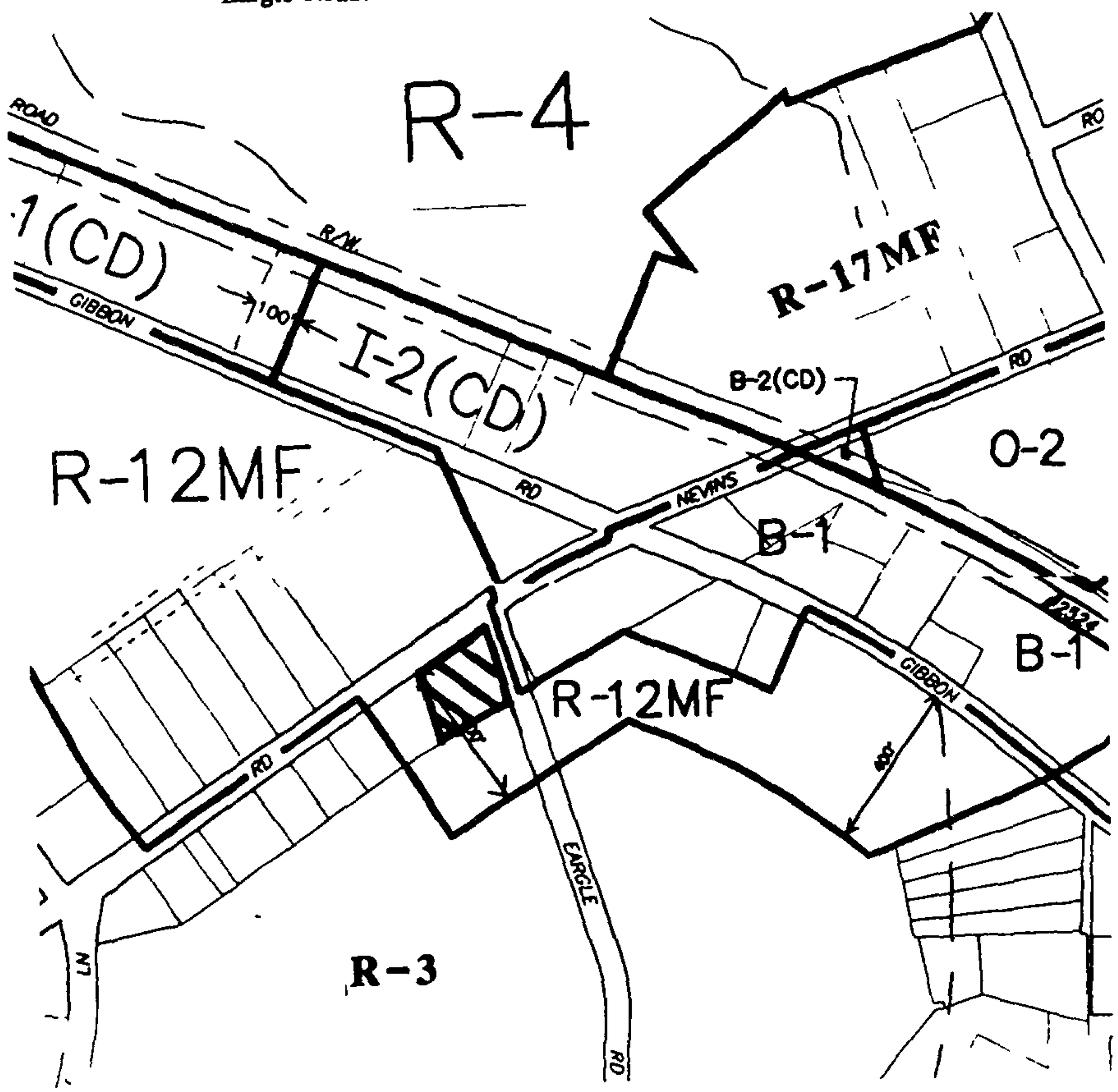
Petitioner: Derrick B. Knox

Hearing Date: May 17, 1993

Zoning Classification (Existing): R-12MF

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

Location: Approximately 1.035 acres located on the southeast corner of Nevins Road and Eargle Road.



Zoning Map #(s): 70 & 59

Scale: 1" = 400'

DATE: May 24, 1993

PETITION NO.: 93-25

PETITIONER(S): David R. Krug

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

LOCATION: Several parcels located at the intersection of East 7th Street and Pecan Avenue and East 7th Street and Caswell Road.

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

VOTE: Yeas: Fenning, James, Jones, McClure, and Tabor.

Nays: None.

Absent: Whelchel.

REASONS

This petition proposes rezoning from the B-1 category to the Neighborhood Services category. Publicly adopted plans dating back to the Elizabeth Urban Design and Transportation Study and the Elizabeth Small Area Plan have long recognized the feasibility of a high density urban environment as accommodated by the NS district. The Zoning Committee discussion of this petition focused on the lessened parking requirements and potential problems with overflow parking on nearby streets. However, it was also noted that the proposed NS district would provide more flexibility than the existing zoning and encourage preservation of existing structures. There was concern that inner city neighborhoods could experience deterioration if investors are not allowed to continue to redevelop. Ultimately, 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.

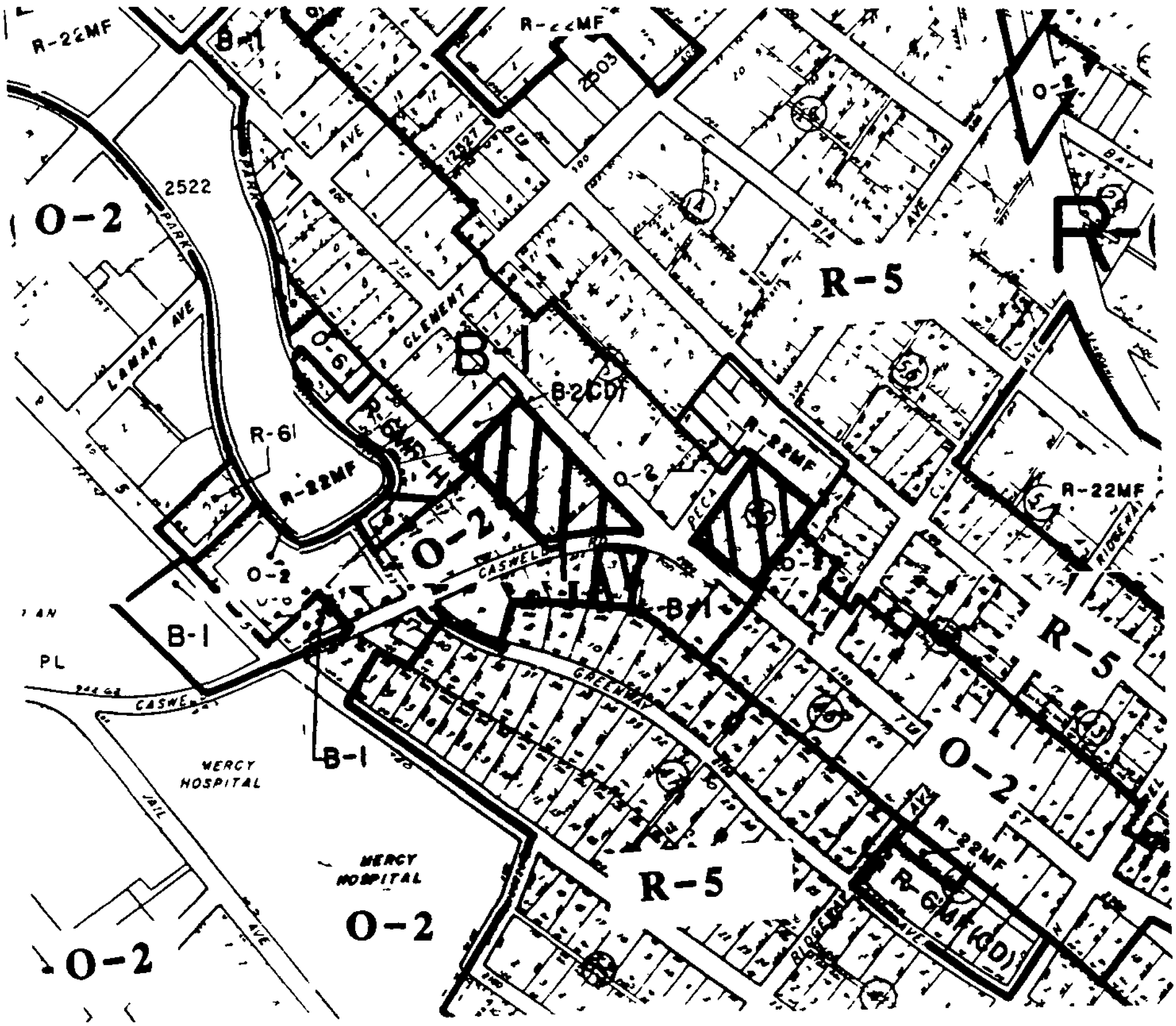
Petition #: 93-25

Petitioner: David R. Krug **Hearing Date:** May 17, 1993

Zoning Classification (Existing): B-1

Zoning Classification (Requested): *NS (Neighborhood Services)*

Location: Several parcels located at the intersection of 7th Street & Caswell Road and 7th Street & Pecan Street.



Zoning Map #(s): 101,102,111,112 **Scale:** 1" = 400'

DATE: May 24, 1993

PETITION NO.: 93-26

REQUEST Consideration of a text amendment to change the size of required trees in several sections of the City's zoning ordinance.

ACTION: A motion to approve the petition resulted in a two to three vote. Therefore, the petition is automatically deferred for 30 days to the June 28 work session.

VOTE: Yeas: James and Tabor.

Nays: Fenning, McClure, and Tabor.

Absent: Whelchel.

REASONS

This proposed text amendment seeks to amend several sections of the zoning regulations that require installation of trees. The sections affected by the proposed amendment relate to buffers, parking decks, the neighborhood services 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. There was a general consensus among Zoning Committee that this portion of the proposal is appropriate. The proposed text amendment proposes a change to the neighborhood services district by modifying the requirement for street trees from 2-1/2 inches for small maturing trees to 2 inches and from 3 inches for large maturing trees to 2 inches. The amendment also proposes a change to the UMUD district by modifying 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 standards requirement. The newly created neighborhood services district and the UMUD district allow for greater intensity of development with reduced setbacks. Larger than average trees were noted as appropriate and necessary in this context. It was also noted, however, that the larger trees involved a higher initial cost and may have a higher mortality rate. A motion to approved the petition as submitted resulted in a two to three vote. Therefore, the petition is deferred to the next Zoning Committee work session.