AGENDA

Meeting Type:	B
Date:	03-16-1992
SUBJECT	

City of Charlotte, City Clerk's Office

ZONING MEETING 3/16/92

		ZONING COMM.	
Mayor	✓	McClure	✓
Campbell	✓	Jack Byrne	✓
Clodfelter	absent	Ken Baker	✓
Hammond	✓	John Lassiter	✓
McCrory	✓	Sara Spencer	✓
Majeed	✓	Morris Jenning	✓
Mangum	✓	John Tabor	✓
Martin	✓		
Patterson	absent		
Reid	✓		
Scarborough	✓		
Wheeler			

6:00 p.m

Vinroot
~~for~~ Hoyle Martin Invocation
Vinroot
Amy McClure - 3/23 4:30 - 8TH FL.
Vinroot
Wheeler/Martin defer 30 days
7A, B + C - Unan.
McCrory
Martin/Wheeler Defer #8 60 days Unan.

Hammond / Wheeler #9 - defer 30 days
Unan.

Vinroot
#1
Andy Scales, Chair - Historic District
Comm

Hammond / Wheeler Continue hearing
for 60 days - Unan.

Vinroot
#2 92-14
Scarborough - member of church
McCrory
Fields
Vinroot
Scarborough / Wheeler Close - Unan.

Vinroot
#3 92-15
Fields
Vinroot
George Daly
Fountain Odom
Wheeler
Odom
Wheeler
Odom

Wheeler
Odom
Mangum
Odom
Scarborough
Scarborough / Mangum - have zoning
Vinroot committee go out now &
make recommendation
Martin
Odom
Majeed
Campbell
Scarborough
Campbell
Reid
Underhill
Reid - Is there anything Council can do
Underhill - No direct contact with
permits - County
Mangum
Underhill
Mangum
Underhill
Campbell
Vinroot
Underhill

Vinroot
Underhill
Vinroot
Underhill - Must be unanimous -
Recommendation for right
VOTE - No Campbell - FAILED 8-1
Vinroot
McCrory
Wheeler / Scarborough - Class - Unan.
Scarborough
McCrory
Vinroot
#4 92-17
Fields
Martin
Fields
Martin
Fields
Martin
Fields
Scarborough
Campbell
Fields
Underhill
Campbell
Fields

Underhill
Campbell
Underhill
Campbell
Fields
Lloyd Soker
Kathy Squires
Peter Sens
Vinroot
Malcolm Graham
Mark Diner
Hammond
Malcolm Graham
Hammond
Graham
Hammond
Graham
Hammond
Lawrence Oliver
Hammond
Oliver
Hammond
Oliver
Martin
Oliver

Martin
Oliver
Martin
Fields
Campbell
Fields
Scarborough
Graham 30 days
Scarborough
Oliver
Vinroot
Oliver
Scarborough
McClure
Vinroot
McCrary - should we keep hearing open -
Vinroot
McCrary / Majeed - Continue hearing

Hammond
Fields
Hammond
Subst Hammond / Wheeler - Close Hrg.
Reid

Fields
Reid
Squires - I've had as many as 8
Reid in neighborhood for business
Fields
Mangum
Vinroot
Fields
Lloyd Scher
VOTE - Subst - Clse -
No McCrory, Majeed

#5
Mangum/Wheeler Move to accept
I-1 (CD) all remaining property
Fields on 91-15 + 91-24
unan.

#6 Mangum
Hammond
Hammond / Wheeler defer 30 days
unan.

#10 Mangum / Wheeler - unan.

#11 Searborough / Mangum - unan.

#12 Scarborough/Mangum Unan

Scarborough Martin
#13 ~~Wheeler~~ / ~~Scar~~
No - Reid, McCrory

#14
Scarborough/Mangum
- ~~Rea~~ No Reid

#16 Mangum
Scarborough/Mangum
Unan

#17 Scarborough/Mangum
17-1 Approve - Unan.

17-2 - Scarborough/Wheeler - Unan

#17-3 Scarborough/Mangum Unan.
Approve

#18 - Mangum / Scarborough Unan.

Mangum / Scarborough Adjourn

Harter
Reid
Hammond - Need report from Planning
Reid -
Mangum
Fields
Martin
Mangum
Fields
Mangum
Fields
Wheeler
Reid
Wheeler
Vinroot
Campbell
Vinroot
VOTE - on adjournment - unan.
7:40

MAYOR'S SCHEDULE
March 16, 1992

6·00 p.m. - Zoning Meeting

1. Invocation by Reverend Randy Sherrill, Zoar United Methodist Church.

2. Announcements

Tuesday, March 17, 8·00 a.m. Chamber of Commerce/Elected Officials Quarterly Meeting, Charlotte Chamber Action Center.

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

A) Agenda Item No. 3 - Hearing on Petition No. 92-15

(1) George Daily, 1415 Biltmore Drive - 333-5196 - FOR

(2) Fountain Odom, 1100 South Tryon Street - 372-4800 - FOR

B) Agenda Item No. 4 - Hearing on Petition No. 92-17.

#2 (1) Kathy Squires, 3032 Shaker Drive - 552-0589 - FOR

#3 (2) Peter Gerns, 200 South Tryon Street - 374-1200 - FOR

#1 (3) Lloyd Scher, 9815 Meringue Place - 332-2158 - FOR

~~(4) Lawrence Toliver,~~ 129 West Trade Street - 378-1319 - AGAINST

#5 (5) Mark Diner, 3045 Shaker Drive - 554-1141 or 553-8559 - AGAINST

#4 (6) Malcolm Graham, 5846 Falstaff Drive - 372-8731 - AGAINST

ITEM #1 J. ANDREW SCALES.
2101 THERMAL RD. -366-0899

CHARLOTTE

Meetings in March '92

THE WEEK OF MARCH 2 - 6

2, Monday

9 00 a m — CITY COUNCIL/COUNTY COMMISSION/CHAMBER OF COMMERCE (Presentation on State Air Cargo Park) - CMGC, Conference Center

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

1 30 p m — PLANNING COMMISSION/Planning Committee - CMGC, 8th Floor Conference Room

3 00 p m — CITY COUNCIL PUBLIC SERVICES COMMITTEE (Solid Waste Management) - CMGC, Room 271

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

3, Tuesday

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

4, Wednesday

7 30 a m — PLANNING COMMISSION/City Within A City Committee - CMGC, 8th Floor Conference Room

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

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

6 30 p m — YOUTH INVOLVEMENT COUNCIL - CMGC, Rooms 270-271

7 00 p m — PUBLIC MEETING ON CANKERWORM CONTROL PLAN - CMGC, Conference Center

THE WEEK OF MARCH 9 - 13

9, Monday

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

10, Tuesday,

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

3 30 p m — POLICE CONSOLIDATION STAKEHOLDERS COMMITTEE - CMGC, Rooms 270-271

4 00 p m — AIRPORT ADVISORY COMMITTEE - Charlotte-Douglas International Airport, Conference Room A

4·30 p m — PLANNING COMMISSION/First Ward Committee - CMGC, 8th Floor Conference Room

11, Wednesday

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

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

9 30 a m — CIVIL SERVICE BOARD/Hearing - CMGC, Meeting Chamber Conference Room

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

12, Thursday

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

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

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

(CONTINUED ON BACK)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

THE WEEK OF MARCH 16 - 20

16, Monday

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

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

17 Tuesday

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

6 00 p m — **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Conference Center

18, Wednesday,

7 30 a m — **PRIVATE INDUSTRY COUNCIL** - CMGC, Rooms 270-271

6 30 p m — **YOUTH INVOLVEMENT COUNCIL/Heritage Panel** - Garinger High School Cafeteria

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

19, Thursday

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

20, Friday

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

11 00 a m — **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Meeting Chamber Conference Room

THE WEEK OF MARCH 23 - 27

23, Monday

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

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

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

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

24, Tuesday

12:00 Noon — **CITY COUNCIL/COUNTY COMMISSION/Discussion on Consolidation** - CMGC, Conference Center

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

26, Thursday

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

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

MARCH 30 - 31

30, Monday

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

31, Tuesday

1 00 p m — **CITY ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, 700 N Tryon Street, Building Standards Training Room

These organizations will not meet in March:

Advisory Energy Commission
Community Relations Committee
Firemen's Retirement Board
Insurance & Risk Mgmt Advisory Board
Parade Permit Committee
Storm Water Task Force

CHARLOTTE

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

Council Agenda

Monday, March 16, 1992

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

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

Invocation by Reverend Randy Sherrill, Zoar United Methodist Church.

ITEM NO.

PUBLIC HEARINGS

1. Hearing to consider designation of the Charlotte Coliseum (original) and Ovens Auditorium, (specifically, the entire interior and entire exterior of the original Charlotte Coliseum and the entire exterior of Ovens Auditorium) located at the intersection of Independence Boulevard East and Coliseum Drive Charlotte, North Carolina as historic landmark.

Continued 60 days Hammond/Wheeler Unan.

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

1) The construction of the Charlotte Coliseum (original) was completed in 1955 to provide the first single-purpose sports facility in the area.

2) The construction of Ovens Auditorium, also completed in 1955, provided the optimum facility for seating 2,500 people for theatrical productions.

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

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

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

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

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

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

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

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

This hearing was continued from the February 17, meeting.

Attachment No. 1

2. (92-14) Hearing on Petition No. 92-14 by Friendship Baptist Church for a change in zoning from R-4 (R-9) to R-22MF (R-6MF) for approximately 3.8 acres located on the northwesterly corner of the intersection of Beatties Ford Road and Fairdale Drive.

Scarborough/Wheeler Close Unan.

Attachment No. 2

Scarborough/Manger Have committee go out & bring back recommendation tonight Wheeler/Scarborough Close Hearing Unan.

Must be unanimous VOTE 8-1 (CAMPBELL NO)

3. (92-15) Hearing on Petition No. 92-15 by The Charlotte-Mecklenburg Planning Commission for a Text Amendment to delete quarries and sanitary landfills as uses permitted under prescribed conditions from all districts, except the General Industrial (I-2) District.

Attachment No. 3

4. (92-17) Hearing on Petition No. 92-17 by The Charlotte-Mecklenburg Planning Commission for a Text Amendment applicable to all home occupations which would limit the number of vehicles used by visitors.

McCrory/Majeed Continue Hearing 3:02 Lucas/Hammond/" Close Carried 7-2 No McCrory, Majeed

Attachment No. 4

3293-2 B-40 p. 372

DECISIONS

5. (91-15) & (91-24) Decision on the remainder of Petition Nos. 91-15 and 91-24) by V. C. Stone for a change in zoning from I-1 and R-9MF to R-4 (R-9) for approximately 36 acres located south of Old Mount Holly Road, east of Melynda Road and west of West Todd Street.

Motion/Second/Vote approve remainder to I-1(CD) Unan.

A motion to reaffirm the previous Zoning Committee recommendation for approval of I-1(CD) failed 3-2. Normally, this would result in an automatic 30 day deferral of the petition for reconsideration by Zoning Committee. However, due to the previous Zoning Committee recommendation for approval of I-1(CD), City Council could consider the petition for decision on March 16. The January Zoning Committee recommendation is attached.

Attachment No. 5

6. (91-75) Decision on Petition No. 91-75 by the Charlotte-Mecklenburg Planning commission for a Text Amendment to restrict the number and location of unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts.

Motion/Second/Vote

This petition was deferred at the December 17, January 21 and February 17 meetings.

The Zoning Committee recommends that this petition be approved.

Attachment No. 6

7. Decision on Historic District Overlays.

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

Defer 30 days x C Wheeler/Martin Unan.

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

The Zoning Committee recommends that this petition be approved.

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

to run 30 days

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

The Zoning Committee recommends that this petition be approved.

C. If A and B are approved, approval of C will be necessary for additional staffing. This involves changing an Office Assistant IV from 20 hours to 40 hours per week at a cost of $13,965 per year including fringe costs and acquisition of an IBM PC XT personal computer, at a one-time cost of approximately $2,500.

Defer 30 days

There are three options for funding:

Option I:

Delay the overlay request until next fiscal year which would prevent immediate implementation of Historic District Commission Management in these neighborhoods. This would risk improvements being made without review before the effective date of the designation.

Option II:

Develop user fees for partial cost recovery of the operation of the Historic District Commission with fees to be effective July 1, 1992. This would result in eroded support for a program that has a crucial role in the preservation of inner city neighborhoods.

Option III:

The additional personnel costs for FY92 ($3,500 from 4/1 to 6/30/92) could be funded from Council contingency (current balance $48,000). Additional FY93 personnel costs of $13,965 would be included in the Planning Commission budget. The one-time equipment cost of $2,500 would be included in the FY93 budget.

This option provides the Historic District Commission with the resources necessary to carry out the additional monitoring without causing the existing Historic Districts to suffer under an expanded program. The delay of securing the PC into the next fiscal year could be partially offset by sharing data management resources with the overall Planning Commission staff.

Staff recommends funding with Option III.

Attachment No. 7

Martin
Defer 60 days
unan.

8.) (92-1) Decision on Petition No. 92-1 by the Mint Museum of Art for a Text Amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.

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

The Mint Museum has requested an indefinite deferral so they can have a chance to work on some accommodations with the neighborhoods.

Attachment No. 8

Defer 30 days
Hammond/Wheeler
Defer 30 days
unan.

9. (92-4) Decision on Petition No. 92-4 by Shady Hills Community Association for a change in zoning from Industrial to R-3 for approximately 28 acres located on the southerly side of University City Boulevard (N. C. 49) at Carolyn Lane.

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

The Zoning Committee recommends that this petition be approved in part. (See attached Map).

Attachment No. 9

Wheeler
approve
unan.
#3294-2
B-40
p-374

10. (92-6) Decision on Petition No. 92-6 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-20MF to R-4 for approximately 71 acres located west of Nations Ford Road at Regency Executive Park Drive, in accordance with the Southwest District Plan adopted by Council in November, 1991.

The Zoning Committee recommends that this petition be approved.

Attachment No. 10

Scarborough/Mangum
approve
unan.
#3295-2
B-40
p-376

11. (92-7) Decision on Petition No. 92-7 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-2 to B-1 and R-4 for approximately 6.14 acres located on the west side of Nations Ford Road at Glenrock Drive and Echodale Drive, in accordance with the Southwest District Plan adopted by the City Council in November, 1991.

The Zoning Committee recommends that this petition be approved.

Attachment No. 11

12. (92-8) Decision on Petition No. 92-8 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-17MF to R-4 for approximately 28.30 acres located on the west side of Nations Ford Road between Yorkmont Road and West Tyvola Road, in accordance with the Southwest District Plan adopted by City Council in November, 1991.

Scarborough/Martin approve unan. #3296-2 B-40 p-378

The Zoning Committee recommends that this petition be approved.

Attachment No. 12

13. (92-9) Decision on Petition No. 92-9 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-17MF to R-4 for approximately 75.86 acres located on the northwesterly side of Nations Ford Road south of Arrowood Road, in accordance with the Southwest District Plan adopted by City Council in November, 1991.

Scarborough/Martin Approve 7-2 No- McCoy/Reid #3297-2 B-40 p-380

The Zoning Committee recommends that this petition be approved.

Attachment No. 13

14. (92-10) Decision on Petition No. 92-10 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-17MF to R-4 for approximately 6 acres located west of Nations Ford Road, north of Arrowood Road, in accordance with the Southwest District Plan, adopted by the City Council in November, 1991.

Scarborough/Mangum approve 8-1 No- Reid #3298-2 B-40 p-382

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

15. (92-11) Decision on Petition No. 92-11 by Charlotte- Mecklenburg Planning Commission for a change in zoning from O-1 to R-17MF and R-4 for approximately 165 acres located south of Archdale Drive between I-77 and Old Pineville Road.

Defer- 30 days Hammond/Wheeler unan

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

A motion to approve R-17MF for the entire petitioned site resulted in a 3-3 vote of the Zoning Committee. Therefore, the petition will be deferred to Zoning Committee's March 23 work session for reconsideration.

Attachment No. 15

16. (92-12) Decision on Petition No. 92-12 by Charlotte-Mecklenburg Planning Commission for a change in zoning from O-2 to R-4 for approximately 11 acres located on the westerly side of N. C. 49 North of Tyvola Road, in accordance with the Southwest District Plan adopted by City Council in November, 1991.

Scarborough/Mangum Approve Unan #329-2 B 40 P 384

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (92-13) Decision on Petition No. 92-13 by Charlotte-Mecklenburg Planning Commission for a change in zoning from B-D(CD), B-1(CD), O-15(CD) and R-17MF to Institutional and R-12MF for approximately 78 acres located west of Nations Ford Road, south of Arrowood Road West.

Scarborough/Mangum Approve 17-1 Unan #330 B 40 P 386

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

1. Approval of the portion of the petition seeking rezoning from O-15(CD), B-D(CD) and R-17MF to Institutional.

Scarborough/Wheeler Deny 17-2 Unan

2. Denial of the portion of the petition seeking rezoning from B-1(CD) to R-12MF.

Scarborough/Mangum Deny 17-3 Unan.

3) Denial of the portion of the petition seeking rezoning from B-D(CD) to R-12MF.

Attachment No. 17

18. Recommend adoption of a resolution setting public hearings for April 20, 1992, at 6:00 p.m. in the Meeting Chamber, 600 East Fourth Street, on Petition Nos. 91-76 and 92-18 through 92-24 for zoning changes.

B 28 P 451 Mangum/Scarborough add 92-5 and approve Unan.

92-5 DEFERRED FROM 2/17/92

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

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

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

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

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

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

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

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

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

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

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

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

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

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

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

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

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

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

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

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

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

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

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

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

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

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

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

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

_____
Clerk to the City Council

Approved as to form:_
_____
City Attorney

Charlotte Mecklenburg Historic Landmarks Commission

Vote of the Charlotte-Mecklenburg Historic Landmarks Commission taken on 13 August 1990 regarding the designation of the Charlotte Coliseum (original) and Ovens Auditorium

Favor: Allen Brooks
Daniel Desmond
Roddy Dowd, Jr.
Milton Grenfell
James Hammomd
Lecil Henderson
B.J. Hendrix
Trissy Lomax
Shirley Rico

Oppose: None

Abstain: Louis Bledsoe, III

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Mr Desmond said that Item #7 would be presented before Item #6.

Item #7 - Consideration of the Survey and Research Report on the ORIGINAL CHARLOTTE COLISEUM (located on the southeastern corner of the intersection of Independence Blvd E. and Coliseum Drive) Ms Black

Ms Black showed slides to the Commissioners of the interior and exterior of the OLD CHARLOTTE COLISEUM as it appears today

MR DOWD MOVED THAT THE OLD CHARLOTTE COLISEUM, LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF INDEPENDENCE BLVD. E. AND COLISEUM DRIVE, CHARLOTTE, N C., (INTERIOR AND EXTERIOR OF THE COLISEUM, EXTERIOR OF OVENS AUDITORIUM, AND THE TAX PARCEL(S) ASSOCIATED WITH THE STRUCTURES - APPROXIMATELY 17.6 ACRES), IN ACCORDANCE WITH THE STANDARD MOTION, BE APPROVED BY THE HISTORIC LANDMARKS COMMISSIO FOR SUBMISSION TO THE DIVISION OF ARCHIVES AND HISTORY, AND THAT THE COMMISSION SCHEDULE A JOINT PUBLIC HEARING WITH THE APPROPRIATE GOVERNING BOARD UPON RECEIPT OF A FAVORABLE COMMENT FROM THE NORTH CAROLINA DIVISION OF ARCHIVES AND HISTORY. MR HENDERSON SECONDED THE MOTION WHICH THE COMMISSION APPROVED WITH THE FOLLOWING VOTE FAVOR BROOKS, DESMOND, DOWD, GRENFELL, HAMMOND, HENDERSON, HENDRIX, LOMAX, RICO OPPOSE. NONE ABSTAIN· BLEDSOE.

Item #6 - Design Review Committee Report Mr. Grenfell.

THE DESIGN REVIEW COMMITTEE MOVED THAT A REQUEST FROM McCULLOCK ENGLAND ASSOCIATES ARCHITECTS FOR THREE EXCEPTIONS TO CERTIFICATE OF APPROPRIATENESS #20-89 FOR THE W. H. BELK HOUSE, 200 HAWTHORNE LANE, BE AUTHORIZED AS FOLLOWS 1) APPROVAL OF FIRST EXCEPTION, FRENCH DOORS - REPLACE ALL THE FIRST FLOOR "FRENCH DOORS" WITH THERMAL, DIVIDED-LIGHT, MILL-WORKED "FRENCH DOORS" TO MATCH THE ORIGINAL DOORS EXACTLY IN DESIGN AND SIZE 2) APPROVAL OF SECOND EXCEPTION, CAST IRON RADIATORS - REPLACE ALL THE CAST IRON RADIATORS IN THEIR ORIGINAL LOCATIONS (EVEN IF DISCONNECTED) AND COV WITH ORIGINAL WOODEN GRILL COVERS. IF CAST IRON RADIATORS CANNOT BE PLACED IN THEIR ORIGINAL LOCATIONS, THEY ARE TO BE STORED WITHIN THE BELK HOUSE FOR THEIR ARCHIVAL VALUE 3) DENIAL OF THIRD EXCEPTION, USE OF "DRYVIT" ON DORMERS - ARCHITECT TO SUBMIT SECTION AND DETAIL DRAWINGS OF DORMER SHOWING MOLDINGS AND FINISH OF "DRYVIT" PROPOSED TO REPLACE SHEET METAL AND MOLDINGS CURRENTLY ON DORMERS. THE COMMISSION UNANIMOUSLY SECONDED THE MOTION.

Mr. Grenfell left the room at this point.

THE DESIGN REVIEW COMMITTEE MOVED THAT A CERTIFICATE OF APPROPRIATENESS BE ISSUED TO THE VESTRY OF ST. MICHAEL AND ALL ANGELS CHURCH REGARDING THE REASSEMBLY OF THE CHAPEL OF OLD GOOD SAMARITAN HOSPITAL AS FOLLOWS· 1) REASSEMBLY OF THE CHAPEL REMOVED FROM THE GOOD SAMARITAN HOSPITAL IN A SPACE WHICH SHALL BE MODIFIED TO RECEIVE IT IN THE EDUCATIONAL BUILDING OF ST. MICHAEL AND ALL ANGELS LOCATED AT 4232 HOVIS ROAD. 2) WORK TO BE PERFORMED INCLUDING THE MODIFICATION TO THE EXISTIN BUILDING AND FINAL FORM OF THE REASSEMBLED CHAPEL SHALL BE ACCORDING TO DRAWINGS AND CONTRACT DOCUMENTS SUBMITTED BY GRENFELL ARCHITECTURE DRAWINGS AND CONTRACT DOCUMENTS WILL BE HELD ON FILE AT THE HISTORIC LANDMARKS COMMISSION OFFICE. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

MECKLENBURG COUNTY

Office of the Tax Administrator

October 5, 1990

Ms Nora M Black
Architectural/Historical Consultant
Charlotte-Mecklenburg
Historic Properties Commission
1225 South Caldwell Street
Box D
Charlotte, North Carolina 28203

RE Parcel Number 159-028-01
Charlotte Coliseum (original) and Ovens Auditorium
East Independence Boulevard and Coliseum Drive
Charlotte, North Carolina

Dear Ms Black

This property is currently exempt, therefore, the amount of taxes deferrable on the above mentioned property would be -0-

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
AMY L MCGRATH*
BRUCE L JAMES

CHARLES J HENDERSON
OF COUNSEL
THOMAS G LANE JR
RETIRED

TELEPHONE (704) 372 4884
TELECOPIER (704) 332 0585

ADMITTED IN SOUTH CAROLINA
AND KENTUCKY

October 1, 1990

Ms. Nora M. Black, Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
1225 South Caldwell Street, Box D
Charlotte, North Carolina 28203

Re **CHARLOTTE COLISEUM AND OVENS AUDITORIUM**
East Independence Boulevard at Coliseum Drive, Charlotte, N. C.

Dear Ms. Black

Pursuant to your request of September 14, 1990, 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 **THE CITY OF CHARLOTTE**, in care of Auditorium Coliseum-Convention Center Authority, 100 Paul Buck Boulevard, Charlott N. C. 28228. Mr. Steve Camp is the Managing Director of the Authority and the person to advise you of individuals or entities (if any) who ha any leasehold in the subject property. The current members of the Authority are

Mr. William H. Ashendorf
6040 Jester Lane
Charlotte, N. C. 28211

Mr. John C. Fennebresque
1844 Pinewood Circle
Charlotte, N. C. 28211

Mr. William C. Covington, Jr.
c/o NCNB National Bank
One NCNB Plaza
Charlotte, N. C. 28255

Ms. Geraldine Sumter
P. O. Box 34453
Charlotte, N. C. 28234

Mr. John W. Harris
2700 Richardson Drive
Charlotte, N. C. 28211

Mr. Ned Hardison
c/o Charlotte Pipe & Foundry Co.
P. O. Box 35430
Charlotte, N. C. 28235

Mrs. Virginia W. Bush
5301 McAlpine Farm Road
Charlotte, N. C. 28226

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

Yours very truly,

H. Parks Helms

HPH esm
Enc.

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

September 27 1990

Ms Nora M Black
Charlotte-Mecklenburg Historic Landmarks Commission
1225 S Caldwell Street Box D
Charlotte NC 28203

Re Proposed designation of the Steele Creek Presbyterian Church and Cemetery (Mecklenburg County) and the Charlotte Coliseum and Ovens Auditorium (Charlotte)

Dear Ms Black:

Thank you for your letters of September 14 and the Survey and Research Reports for designation of the above-cited properties as local historic landmarks. We have reviewed the information pursuant to GS 160A-400.6 and would like to comment.

The National Register nomination for Steele Creek Church and Cemetery does a good job of documenting the significance of the property in terms of its contributions to the religious, social, cultural and architectural history of Mecklenburg County. We feel this property is obviously a fine candidate for local historic landmark status as well. We also believe it is appropriate to recognize the potential the site holds for yielding archaeological information about the first structures there. Therefore, we concur with the proposed designation of the entire 37 575 acres, the interior and exterior of the 1889 sanctuary, the cemetery, rock wall and iron gates

The survey and research report for the Charlotte Coliseum and Ovens Auditorium was excellent. Clearly, the buildings, and the Coliseum in particular, have played a major role in the cultural, social, and economic life of Charlotte for over 30 years. Additionally, the architectural significance of the Coliseum's design as a pioneering example of modern engineering cannot be overstated. It is truly a fine building, a Charlotte landmark in every sense of the word, and we are so pleased that the commission has seen fit to recommend this for designation. We concur with the designation of the interior and

exterior of the Coliseum, the exterior of the companion Ovens Auditorium, and the 17.67 acres of land upon which they stand.

Thank you for the opportunity to review these fine designation proposals. I am returning your slides and photographs as requested.

Sincerely,

Beth Thomas

Beth P. Thomas
Preservation Planner
State Historic Preservation Office

bpt/wp

enclosures

INDEPENDENCE ARENA MANAGEMENT GROUP

2121 East Independence Boulevard
Charlotte, North Carolina 28205

October 9, 1991

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

Dear Mr. Cauble:

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

Yours truly,

INDEPENDENCE ARENA MANAGEMENT GROUP

Phillips Parking Service, Partner

By: Tom Phillips, President

Arena Associates, Inc., Partner

By: William G. Allen, Jr., President

md

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

August 7, 1990

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

Dear Dr. Morrill.

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

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

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

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

If you have any questions, please let me know.

Sincerely,

Julie Burch
Assistant City Manager

Office of the City Manager 600 East Fourth Street Charlotte NC 28202 2840 704/336 2241

Charlotte Mecklenburg Historic Landmarks Commission

DEPARTMENT REVIEW PROCESS FOR HISTORIC LANDMARKS DESIGNATION

Charlotte Coliseum (Original) and Ovens Auditorium

FINDINGS

The Department Review Process revealed no conflicts between the historic designation and proposed public plans or projects except for comments regarding a future right-of-way

COMMENT SUMMARY

Building Inspection	-	No response
Community Development	-	No comment
Engineering	-	See attached copy of comment form
Parks and Recreation	-	Agree with the direction of the Commission Hopefully there can be a reuse of these facilities Otherwise, I am afraid that they will be allowed to crumble from neglect
Planning Commission / Historic District Commission	-	See attached copy of comment form
Transportation	-	See attached copy of right-of-way requirements
Char-Meck Utility Department	-	No comments

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HISTORIC LANDMARKS COMMENT FORM

Return to Charlotte-Mecklenburg Historic Landmarks Commission
1225 South Caldwell Street, Box D
Charlotte, North Carolina 28203

Date Mailed 3 October 1990
Response Due Date 22 October 1990

PROPERTY DESCRIPTION

Name Charlotte Coliseum (Original) and Ovens Auditorium

Address Independence Boulevard East, Charlotte, North Carolina

Tax Parcel Number 159-028-01

Physical Description See attached Tax Map and Photograph
Entire parcel being recommended for designation

Location East Charlotte

COMMENTS

Relation to Department Plans and Projects None

Relation to Capital Improvement Program Projects No Capital Projects for the old coliseum or Ovens Auditorium are currently in the program

Relation to Permits Granted or Under Consideration None

Other Comments Street classification systems calls for Independence Blvd to have a future right-of-way of 175' from the centerline. The future right-of-way line encroaches into the Coliseum Building and pool in front of Ovens Auditorium.

Submitted By

Name C. D. Readling, City Engineer

Department Engineering

Date 10/30/90

CHARLOTTE COLISEUM (ORIGINAL)
AND
OVENS AUDITORIUM
RIGHT-OF-WAY REQUIREMENTS

According to the Charlotte-Mecklenburg Thoroughfare Plan (1988):

- Independence Freeway is a Class I thoroughfare requiring 350 feet of right-of-way, measured 175 feet from centerline of the roadway.
- Television Lane is a minor thoroughfare requiring 70 feet of right-of-way, measured 35 feet from centerline of the roadway.
- Coliseum Drive is a collector street requiring 60 feet of right-of-way, measured 30 feet from centerline of the roadway.

Right-of-way to meet these requirements should be moved from the historic designation for this property.

This site is in the area of the Independence Freeway/Briar Creek Interchange Project. The North Carolina Department of Transportation should be contacted for additional information

Charlotte Department of Transportation
22 October 90

HISTORIC LANDMARKS COMMENT FORM

Return to Charlotte-Mecklenburg Historic Landmarks Commission
1225 South Caldwell Street, Box D
Charlotte, North Carolina 28203

Date Mailed 3 October 1990
Response Due Date 22 October 1990

PROPERTY DESCRIPTION

Name Charlotte Coliseum (Original) and Ovens Auditorium

Address Independence Boulevard East, Charlotte, North Carolina

Tax Parcel Number 159-028-01

Physical Description See attached Tax Map and Photograph
Entire parcel being recommended for designation

Location East Charlotte

COMMENTS

Relation to Department Plans and Projects
See attached Old Coliseum Area Special Project Plan

Relation to Capital Improvement Program Projects Briar Creek Road relocation should not adversely impact this site. See attached map.

Relation to Permits Granted or Under Consideration NA

Other Comments The parking lot and road right of ways should be excluded from the designation. The Coliseum, Ovens Auditorium, and the original landscaped gardens and lawns only should be included.

Submitted By

Name John R. Rogers, Jr.

Department Charlotte-Mecklenburg Planning Commission/Charlotte Historic District Commission

Date October 12, 1990

Charlotte Mecklenburg Historic Landmarks Commission
10 February 1992

Mr O Wendell White, City Manager
City of Charlotte
CMGC, 600 East Fourth Street
Charlotte, North Carolina 28202

Dear Mr White

As you know, the Historic Landmarks Commission is processing the *Charlotte Coliseum (original) and Ovens Auditorium* for designation as 'historic landmarks ' The HLC recommends the designation of the entire tax parcel as well as the two buildings The comment form submitted by Charlotte's Department of Transportation suggests that 350 feet of right-of-way, measured 175 feet from the centerline of Independence Freeway, be excluded from designation However, as the comment form from Charlotte's Department of Engineering points out, that right-of-way line would encroach into the Coliseum Building and the pool in front of Ovens Auditorium Since the HLC wishes to offer the protection of designation to the entire building as well as the land and gardens, it is unable to exclude the right-of-way mentioned in the comment forms

The comment form from the Charlotte-Mecklenburg Planning Commission mentions excluding the parking lot from designation The HLC has chosen to include the parking lot to protect sight lines to the building At this time, due to the growth of trees around the Charlotte Coliseum (original), the full impact of the the dome is only visible to citizens as they approach the building from the parking lot The dome defines the character of this building From the western side of the parking lot, the dome is the most significant feature Additionally, *The Secretary of the Interior s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* recommends, "Retaining the historic relationship between buildings, landscape features, and open space "

I hope this information will allow the City Council to continue the designation process for the Charlotte Coliseum (original) and Ovens Auditorium Should you have any questions, please call our office

Sincerely,

Nora M Black
Architectural/Historical Consultant

c Mr. J. Andrew Scales, HLC Chairman
Dr Dan L. Morrill, HLC Consulting Director
Ms Pamela Syfert, Deputy City Manager

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Charlotte Mecklenburg Historic Landmarks Commission

February 10, 1992

Mr. O. Wendell White
Office of the City Manager
CMGC
600 E. Fourth St.
Charlotte, N.C. 28202

Dear Mr. White:

The Charlotte-Mecklenburg Historic Landmarks Commission is processing the Old Charlotte Coliseum (now Independence Arena), the exterior of Ovens Auditorium, and the entire tax parcel upon which the two buildings sit, for designation as a historic landmark pursuant to powers and provisions set forth in N.C.G.S. 160A-400. Pursuant thereto, the Commission circulated comment forms to City Departments, asking each to comment on the prospective designation.

Attached hereto are the comments received from the Charlotte Department of Transportation, the Charlotte Department of Engineering, and the Charlotte-Mecklenburg Planning Commission. The first two agencies request that a 175' right-of-way be excluded from the proposed historic landmark, so that future "improvements" to Independence Freeway can be made. The Planning Commission suggests that the parking lots should also be excluded.

The Historic Landmarks Commission has reviewed this matter and has affirmed its desire to move ahead with bringing its initial recommendation before City Council, which, of course, can amend the recommendation as it sees fit. Excluding the 175' right-of-way would allow road improvements to encroach upon the Old Coliseum itself. The inclusion of the parking lots, which have always been a historic element of the property, would allow the Commission to preserve sight lines to and from the building.

Please be advised that the Historic Landmarks Commission does not feel that it can satisfy the suggestions which have been forthcoming from the three agencies identified above.

Sincerely,

Dr. Dan L. Morrill
Consulting Director

encls:

cc: J. Andrew Scales, HLC Chairman

P O BOX 35434 • CHARLOTTE N C 28234 • (704) 376 9115 • FAX (704) 372 4584

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 3, 1992

Mayor and City Council:

RE: Petitions to be Heard in March, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, March 16, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-14

Petitioner Friendship Baptist Church

Location· Approximately 3.8 acres located on the northwesterly corner of the intersection of Beatties Ford Road and Fairdale Drive (Friendship Baptist Church).

Request. Change from R-4 (R-9) to R-22MF (R-6MF).

BACKGROUND

1. Existing Zoning. The property involved with this request is presently zoned R-4 as are nearby properties located to the west. Properties to the north on the west side of Beatties Ford Road are zoned R-22MF and R-17MF. Properties to the south are zoned O-2 and B-1. Properties located across Beatties Ford Road from the petitioned site are zoned a combination of R-4, O-2 and R-17MF.

2. Existing Land Use. The petitioned property is the site of Friendship Baptist Church. A day care center is located to the south and an apartment community is located to the north. Properties to the west are developed with single family housing. Properties located across Beatties Ford Road are predominantly vacant. Further to the south along Beatties Ford Road is a mixture of commercial, office, multi-family, and single family uses.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the area of the subject property. The 2005 strategies for the area include streetscape improvements along Beatties Ford Road and extensions of water and sewer lines.

   2. ABC Special Project Plan (approved 1987). The petitioned property lies just outside of the study area boundary of the ABC Special Project Plan. The ABC Special Project Plan stresses conservation and increased vitality of the neighborhood just north of I-85 and east of Beatties Ford Road. The plan emphasizes redevelopment and incentives for new development.

   3. Northwest District Plan (approved 1989). The Northwest District Plan recognizes the existing church use of the subject property. The plan also recommends face-lifts in the older sections of the northwest including along Beatties Ford Road from Lakeview Road to I-85.

4. Site Plan. There is no site plan which accompanies this application due to the conventional, rather than conditional, nature of the petition.

5. School Information. School information has been requested but has not been received as of the preparation of this report.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 65-81	R-6 to R-6MF & B-1	Approved	10/04/65
2. 65-82	R-9 & B-2 to R-6MF	Approved	10/04/65
3. 65-108	R-6 to R-6MF	Approved	01/22/65
4. 66-10	R-6MF, R-9MF, & 0-15 to R-6MF, 0-6, & B-1	Approved	02/21/66
5. 66-33	R-9 to R-9MF	Approved	04/04/66
6. 68-7	R-6 to 0-6	Approved	01/22/68
7. 76-66	R-6, R-6MF, 0-9, 0-6, & I-1 to R-9, R-15MF, & 0-15	AIP	01/17/77
8. 89-63	Establish zoning upon annexation	Approved	08/28/89
9. 90-7	0-6 to R-9MF	Approved	02/19/90

7. Neighborhood. This property falls within the area defined as the Northwoods neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from a single family residential classification to a multi-family residential classification. The recently adopted Northwest District Plan recognizes the existing use of the subject property and the existing multi-family development in this area of the Beatties Ford Road corridor. Therefore, this petition is consistent with public plans and policies for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The staff met with the agent for the petitioner prior to the filing of the application to provide technical assistance.

   2. Departmental Comments. Due to the conventional nature of the petition, relevant departmental comments are few. CDOT noted the need for additional right-of-way along Beatties Ford Road.

ISSUES

1. Land Use. This petition raises no land use issues. The petition requests rezoning from a single family residential classification to a multi-family residential classification along a major thoroughfare and adjoining multi-family and office zoning

districts. The district plan for the area recognizes multi-family and institutional land uses in this section of the Beatties Ford Road corridor. Therefore, this petition is appropriate for approval from a land use standpoint.

2. Site Plan. There is no site plan which accompanies this application due to the conventional nature of the petition.

CONCLUSION

This petition is appropriate for approval.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-14
Date Filed December 30, 1991
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner Friendship Missionary Baptist Church

Owner's Address 3301 Beatties Ford Road, Charlotte, NC 28216

Date Property Acquired May 26, 1961

Tax Parcel Number 039-121-01

Location of Property (address or description) 3301 Beatties Ford Road, Charlotte, NC

Northwest corner , Beatties Ford Road and Fairdale Drive

Description of Property

Size (Sq. Ft.-Acres) 164,717 s.f. Street Frontage (ft.) 439.51' Fairdale Drive 256.24' Beatties Ford Road

Current Land Use Site is used for Church and Educational Building

Zoning Request

R-22MF LS

Existing Zoning R-9 Requested Zoning [redacted]

Purpose of Zoning Change To increase capacity of the church from 636 seats to 900 seats.

Gantt Huberman Architects
Name of Agent

112 West 5th Street 28202
Agent's Address

334-5436
Telephone Number

Friendship Baptist Church
Name of Petitioner(s)

3301 Beatties Ford Road
Address of Petitioner(s)

392-0391
Telephone Number

x Clifford Jones Sr.
Signature

Signature of Property Owner
if Other Than Petitioner

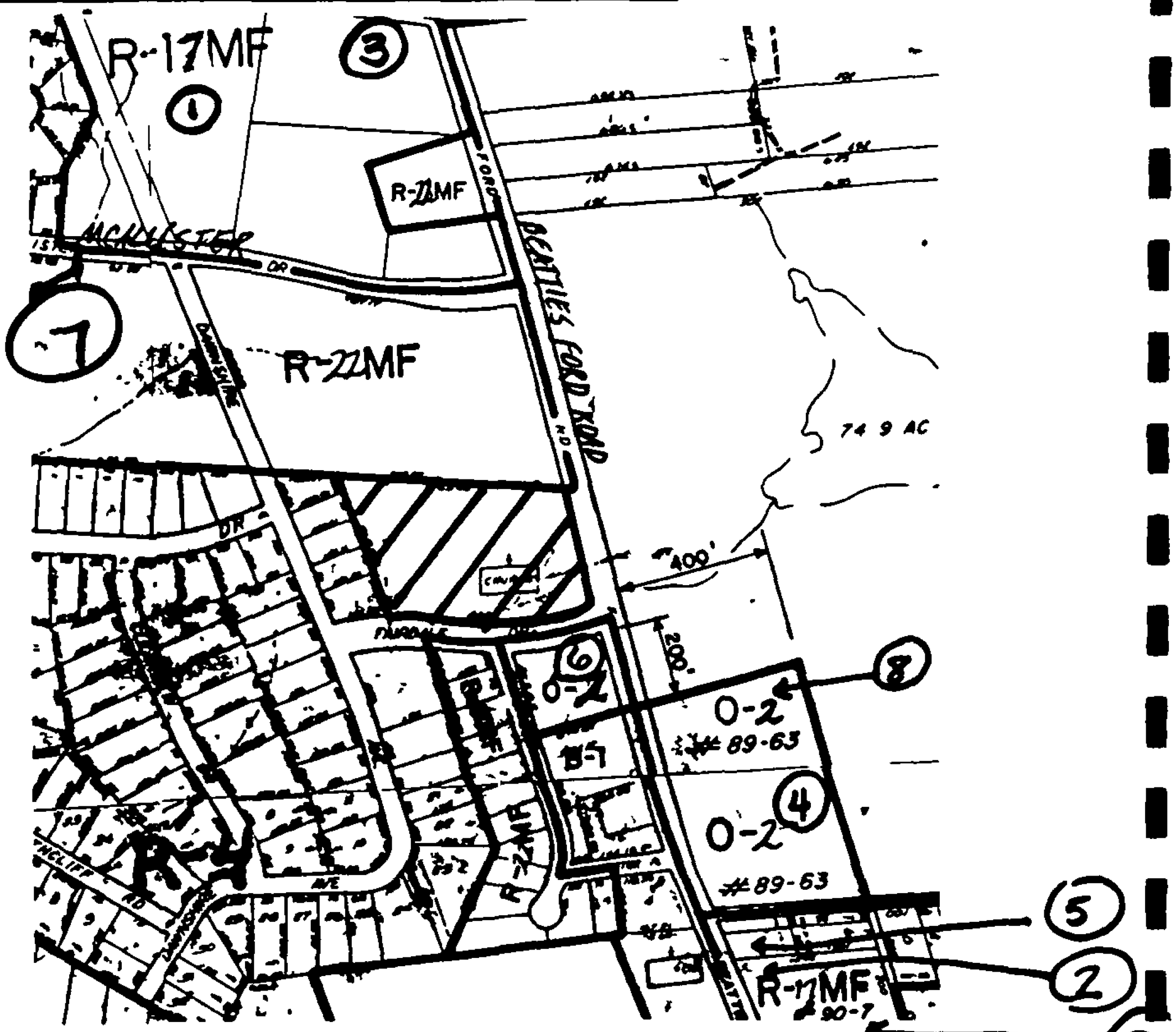
PETITIONER. Friendship Baptist Church

PETITION NO.: 92-14 HEARING DATE: March 16, 1992

ZONING CLASSIFICATION, EXISTING: R-4 (formerly R-9)

ZONING CLASSIFICATION, REQUESTED: R-22MF

LOCATION: Approximately 3.8 acres located on the northwest corner of Beatties Ford Road and Fairdale Drive (Friendship Baptist Church).



ZONING MAP NO(s).: 69 & 79 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 3, 1992

Mayor and City Council:

RE: Petitions to be Heard in March, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, March 16, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-15

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to delete quarries and sanitary landfills as uses permitted under prescribed conditions from all districts, except the General Industrial (I-2) district.

BACKGROUND

The previous City zoning ordinance restricted quarries to the I-1 and I-2 industrial districts subject to special requirements, and sanitary landfills were permitted in all residential and industrial districts subject to special requirements. The present City ordinance allows both of these uses in all districts under prescribed conditions.

After the present ordinance was adopted, City Council members have raised questions and concerns regarding these revisions. As a result, the Planning staff has prepared an amendment which proposes to limit both quarries and sanitary landfills to the General Industrial (I-2) district under prescribed conditions.

CONCLUSION

This text amendment is recommended for approval.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-15

Date Filed February 3, 1992

Received By MCM

OFFICE USE ONLY

Section No Various sections dealing with quarries and sanitary landfills.

(Title)

Purpose of Change: To delete quarries and sanitary landfills as uses permitted under prescr conditions from all districts, except the General Industrial (I-2) district.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commiss

Name of Petitioner(s)

600 E. 4th St., Charlotte, NC 28202-28

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

6. Amend Section 9.703. Uses permitted under prescribed conditions (Offices districts) by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (25) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (29) and replacing it with the word "(RESERVED)."

7. Amend Section 9.803. Uses permitted under prescribed conditions (Business districts) by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (30) and replacing it with the word "(RESERVED)"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (33) and replacing it with the word "(RESERVED)."

8. Amend Section 9.1103. Uses permitted under prescribed conditions (Industrial districts) by deleting the wording "Quarries, subject to the regulations of Section 12.505," from item number (20) and replacing it with the wording "Quarries (I-2 only), subject to the regulations of Section 12.505"; and deleting the wording "Sanitary landfills, subject to the regulations of Section 12.507," from item number (23) and replacing it with the wording "Sanitary landfills (I-2 only), subject to the regulations of Section 12.507."

9. Amend Section 12.505. Quarries by deleting the following wording:

   "Quarries may be established in any district subject to the requirements if this Section:"

   and replacing it with the following:

   "Quarries may be established in the General Industrial (I-2) district subject to the requirements of this Section:"

10. Amend Section 12.507. Sanitary Landfills by deleting the first sentence which reads as follows:

    "Sanitary landfills are permitted in all districts in the City of Charlotte subject to the development standards listed below."

    and replacing it with the following:

    "Sanitary landfills are permitted in the General Industrial (I-2) district in the City of Charlotte subject to the development standards listed below."

DRAFT

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

_____
City Attorney

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

_____
City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 3, 1992

Mayor and City Council:

RE: Petitions to be Heard in March, 1992

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, March 16, 1992 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G. Fields, III
Land Development Manager

WGF:mlj

Attachments

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

PRE-HEARING STAFF ANALYSIS*

Rezoning Petition No. 92-17

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment applicable to all home occupations which would limit the number of vehicles used by visitors.

BACKGROUND

When the new zoning ordinance was under consideration there was discussion on issues related to home occupations. An unresolved item related to the number of clients, patrons, or business related visitors to a home occupation. This issue was also raised the last year by a group of neighborhood residents and a City Zoning Board of Adjustment case.

The present ordinance limits the number of students to two at a time for instruction in music, dancing, and similar subjects. However, there is no such limit to other home occupations such as doctors, lawyers, architects, and others.

This amendment proposes to limit the number of visitors to all home occupations by limiting the number of vehicles used by the visitors to two at any given time. The number of vehicles was chosen as the limiting factor for the following reasons:

1. The number of visitor's vehicles can be more easily determined than the number of people visiting inside the premises.

2. The number of clients is difficult to determine since they are primarily inside the premises. Also, additional people are often involved with a client, such as someone bringing a patient to a doctor but still only occupying one vehicle per client.

3. The potential problem for surrounding property owners is not related to the number of people inside the premises, but rather to the number of vehicles outside.

This amendment does not place a requirement as to where the visitor's vehicles may be parked. If it were required that the visiting vehicles be located on the home occupation's property, it would have the detrimental effect of less yard space and a nonresidential appearance.

This amendment also proposes that all existing home occupations shall comply with these provisions within nine months of its adoption.

CONCLUSION

This text amendment is recommended for approval to help minimize adverse effects home occupations may have on surrounding residential properties.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-17

Date Filed December 30, 1991

Received By MKM

OFFICE USE ONLY

Section No 12.408 CUSTOMARY HOME OCCUPATIONS

(Title)

Purpose of Change Amend Section 12.408(9) by deleting the existing language and replacing it with a requirement applicable for all home occupations which would limit the number of vehicles used by clients, patrons, or business related visitors to two at any given time.

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. 4th Street, Charlotte, NC28202-2853

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

ORDINANCE NO. _____

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

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

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

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

1. Amend Section 12.408. Customary home occupations, (9) by deleting the following wording:

   "Instruction in music, dancing and similar subjects must be limited to two students at a time."

   and replacing it with the following:

   "The number of vehicles used by clients, patrons, or business related visitors to any home occupation shall be limited to two at any given time."

Section 2. This ordinance shall become effective upon adoption. All existing home occupations shall comply with the provisions of this amendment within nine months of 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 _____.

_____
City Clerk

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

February 27, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members.

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on February 24, 1992.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, March 9, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, March 16, 1992.

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

Respectfully submitted,

Anne J. McClure

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

AJM:mlj

Attachments

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

DATE	February 24, 1992
PETITION NO.	91-15 & 91-24
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Change from I-1 and R-9MF to R-4(R-9).
LOCATION	Approximately 36 acres located south of Old Mt. Holly Road, east of Melynda Road and west of West Todd Street.

NOTE: This petition was scheduled for decision by City Council on February 17 for consideration of an I-1(CD) classification. City Council referred the petition back to Zoning Committee for reconsideration of the originally requested R-9 district.

ACTION: A motion to reaffirm the previous Zoning Committee recommendation for approval of I-1(CD) failed 3-2. Normally, this would result in an automatic 30 day deferral of the petition for reconsideration by Zoning Committee. However, due to the previous Zoning Committee recommendation for approval of I-1(CD), City Council could consider the petition for decision on March 16. The January Zoning Committee recommendation is attached.

VOTE: Yeas: Byrne, Lassiter, and McClure.

Nays: Fenning and Spencer.

REASONS

Upon reconsideration of this petition, the majority of Zoning Committee reaffirmed their previous recommendation for approval of the I-1(CD) alternative proposal by the affected property owner. The Zoning Committee noted that their previous recommendation considered all of the various options including the originally requested single family district. The previous minority opinion favored implementation of the original petition for residential as the most appropriate way to support and enhance Todd Park. That minority opinion was also reaffirmed and noted that the I-1(CD) proposal does not guarantee a road to provide a solution to the truck traffic problem.

DATE January 27, 1992

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

PETITIONER(S) V. C. Stone

REQUEST Change from I-1 and R-9MF to I-1(CD)

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

NOTE. Petition Nos. 91-15 and 91-24 were originally heard by Council in early 1991 and subsequently approved in part in November, 1991. The decision on the balance of the petitions was deferred to allow consideration of an I-1(CD) district.

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

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

Nays. Spencer.

REASONS

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

Subsequent to the public hearing on this petition, the petitioner agreed to extend the potential truck route right-of-way reservation time period from two years to four years. Based upon this modification, the majority of Zoning Committee viewed the petition as appropriate for approval.

MINORITY OPINION

The minority opinion expressed serious concern that the proposed I-1(CD) request does not achieve the goal of the Northwest District Plan to preserve and enhance the character of Todd Park. It was noted that small neighborhoods, such as Todd Park, are extremely fragile and future residential use of the petitioned site is critical to the neighborhood's future. Implementation of the original petition for residential was viewed as the more appropriate way to support Todd Park.

STAFF OPINION

Staff views the proposed I-1(CD) petition as offering a potential compromise that establishes buffers adjacent to residential property and provides a potential truck route to end truck traffic on Melynda Road. Staff notes, however, that publicly adopted plans for the area envision further residential development in proximity to Todd Park.

DATE	January 27, 1992
PETITION NO.	91-75
PETITIONER(S):	Charlotte-Mecklenburg Planning Commission
REQUEST	Text amendment to restrict the number and location of unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts.
ACTION	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baker, Byrne, Lassiter, McClure, Spencer, and Tabor.
Nays:	None.

REASONS

The location of numerous unlicensed motor vehicles on residentially zoned property became an issue out of the public hearings on the new zoning ordinance. The Building Standards Department confirmed instances where individuals had parked numerous unlicensed motor vehicles outside on residentially zoned property.

Consequently, the Planning Commission's Planning Committee addressed this issue and has proposed a text amendment after conferring with various governmental departments and private citizens. The amendment proposes to limit the number of unlicensed motor vehicles parked outside in residentially zoned districts to no more than two, provided the occupant of the premises is the title owner. It also proposes to restrict the location of such vehicles to be out of the public street right-of-way and required setback.

This amendment also proposes to limit the number of motor vehicles that may be displayed for sale or trade on residentially zoned property to no more than three within a 1-year time period. It further restricts the number of such vehicles to no more than two at any one time and for no vehicle to be displayed longer than three months within a given year. Such vehicles for sale or trade would be permitted to be displayed anywhere on the residential property, but not within a public street right-of-way.

At the public hearing on this request an alternative proposal was submitted for Council's consideration. The alternative proposal is generally more restrictive in that it limits the number of outdoor, unlicensed vehicles to one, (rather than two) limits the number of vehicles displayed for sale or trade in any calendar year to two, (rather than three) with no more than one vehicle for sale at any given time (rather than two). This alternative proposal is attached.

Zoning Committee discussed the proposed alternative amendment but ultimately viewed it as overly restrictive and unenforceable. Therefore, Zoning Committee recommends approval of the text amendment as originally submitted.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 91-75

Date Filed October 14, 1991

Received By MCM

OFFICE USE ONLY

Section No 9.204 & 9.304 Accessory Uses (Add a new No. 16 & a new N respectivel

(Title)

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

Name of Agent

Agent's Address

Telephone Number

Charlotte-Mecklenburg Planning Commission

Name of Petitioner(s)

600 E. Fourth Street, Charlotte, NC 28202

Address of Petitioner(s)

(704) 336-2205

Telephone Number

Signature

Revised November 1, 1991

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE ZONING ORDINANCE

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

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

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

1. Amend Sections 9.204 and 9.304 by adding a new No. 16 and a new No. 15, respectively, to read as follows:

"The following provisions shall apply to unlicensed motor vehicles and the display for sale or trade of motor vehicles in residentially zoned districts:

(a) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises provided such vehicles are registered to the occupant of the premises as the record title owner of the vehicles. These vehicles are not permitted to be located within any required setback contained in these regulations or any street right-of-way.

(b) No more than three (3) motor vehicles may be displayed for sale or trade on the premises within a one (1) year period provided no more than two (2) such motor vehicles may be displayed for sale or trade on the premises at any one time and provided no motor vehicle may be displayed for sale or trade for a period longer than three (3) months within a one (1) year period. A motor vehicle, licensed or unlicensed, displayed for sale or trade on the premises may be located in the setback, but not within the street right-of-way.

(c) All vehicles must comply with City Code, Chapter 10, Article III, "Removal and disposition of abandoned vehicles, hazardous vehicles and junked motor vehicles".

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

Approved as to form:

_____
City Attorney

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

_____
City Clerk

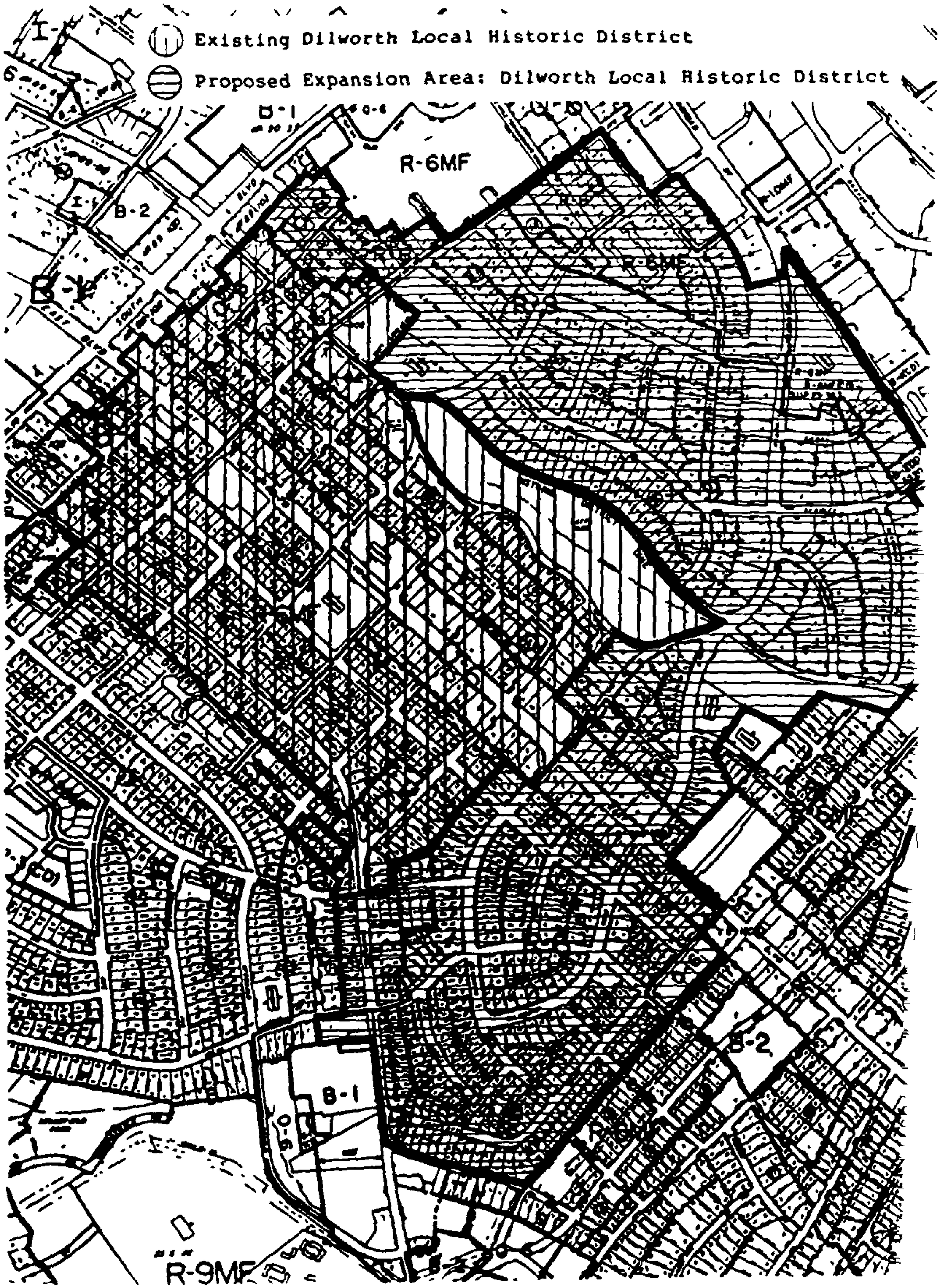
DATE	December 19, 1991
PETITION NO.	91-77
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission
REQUEST	Expansion of the existing Dilworth Local Historic District.
LOCATION	Approximately 278.5 acres in the Dilworth neighborhood.
ACTION	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.
Nays:	None.

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.


Existing Dilworth Local Historic District
Proposed Expansion Area: Dilworth Local Historic District
R-6MF
B-2
B-1
O-6
R-9MF

PETITIONER Charlotte-Mecklenburg Planning Commission

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

REQUEST. To expand the existing Dilworth Local Historic District.

LOCATION Dilworth Neighborhood

SEE ATTACHED MAP

ZONING MAP NO(s).: 102, 103, 110, 111 SCALE 1" = 40'

PROPERTY PROPOSED FOR CHANGE

DATE:	December 19, 1991
PETITION NO.:	91-78
PETITIONER(S):	Charlotte-Mecklenburg Planning Commission
REQUEST	Establishment of the Plaza/Midwood Local Historic District.
LOCATION:	Approximately 91 acres located within the Plaza/Midwood neighborhood.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas:	Baucom, Byrne, Fenning, O'Brien, McClure, Motley, and Spencer.
Nays:	None.

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

REQUEST: Establish the Historic District Overlay

LOCATION: Plaza-Midwood Neighborhood

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

Proposed Plaza-Midwood Local Historic District

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

February 12, 1992

John Rogers
Charlotte Historic District Commission
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear John:

Thank you for your letter of January 15 and the Survey and Research Report for the proposed designation of the expansion of the Dilworth local historic district. We have reviewed the information pursuant to G.S. 160A-400.4 and offer the following comments.

The Dilworth neighborhood was developed by Edward Dilworth Latta, the prominent entrepreneur behind many successful business ventures in the South during the late nineteenth and early twentieth centuries. The Dilworth neighborhood grew as Charlotte's first "streetcar suburb," for Dilworth took advantage of the technology of the streetcar and the prosperity of the local community to introduce the concept of suburban living to Charlotte.

Latta developed Dilworth in three stages: The first in 1891 is a grid pattern; the second in 1912 is curvilinear and was designed by the nationally renowned landscape architects, the Olmstead Brothers; and the third in 1920 is also curvilinear and inspired by the earlier Olmstead design. The architecture of Dilworth is an eclectic representation of popular late nineteenth and early twentieth-century styles; Colonial Revival, Picturesque, and Bungalow are the most predominant.

Dilworth is significant for its association with Latta and with the Olmsteads. It is also important as one of North Carolina's first suburbs whose creation ushered in a new way of life, focusing on the home, yet still closely related to business and industry. The combination of the suburb with the streetcar was an innovative marriage of new technology to the new demand for housing. Finally, Dilworth contains individual properties of notable architecture, design, and detail. The district as a whole is a lesson in local interpretation of popular national styles and in the residential aspirations of Charlotte's turn-of-the-century middle- and upper-middle class. Dilworth is an area where high quality of life was clearly a priority as witnessed by the transportation, quality construction, and recreational facilities offered by Latta to Dilworth's residents.

Dilworth is defined by its three-stage development along the original grid and curvilinear areas and by its usually modest-in-scale, yet distinct-in-design, architecture. The district's continuity flows from its streetscapes of one-, one and one-half-story, and two-story residences, interrupted by occasional institutional or business structures which, although different in scale, most often echo residential architectural elements.

Given the historic and architectural character of Dilworth, we concur with the commission's boundary recommendations as stated in the Dilworth National Register nomination and in the section of the designation report entitled, "Proposed Expansion of the Dilworth Local Historic District: Boundary Description for the Areas Not Included in the Dilworth National Register Historic District." The boundary justification pays particular attention to the areas proposed for designation which are not included in the National Register District, dividing them into five parts. We will continue that convention here by relating our comments to the National Register boundaries and the additional five areas.

The predominant criterion for the boundary lines is the relationship between the original streets of Dilworth to existing structures which exhibit the scale, design, materials, and setting characteristic to Dilworth. We have reviewed the National Register nomination and have carefully scrutinized the the street design of Dilworth and the individual pictures of each property in the non-National Register expansion area. Overall, the boundary consistently includes properties on either side of original Dilworth streets which are of moderate scale, of early twentieth century design or a later echo of early design, and use frame, brick, stick, or shingle building materials.

<u>Area 1: The Eastern Side of the 1800, 1900 and 2000 Blocks of Charlotte Drive</u>: Charlotte Drive is one of the curvilinear streets of Dilworth. It curves northwest from Park Road to end at East Boulevard. Both sides of the street to the south are included in the National Register district; the two non-National Register blocks to the north are appropriately included, for they are oriented toward Charlotte Drive, and are appropriate to the typical Dilworth streetscape.

The bungalows on the 2000 block are completely in keeping with the modest bungalows sprinkled throughout Dilworth. The recently constructed office condominiums on the 1800 and 1900 blocks, while non-contributing, are unobtrusive. They are appropriately set back from the street and are of a staggered design so that their mass is deemphasized. In addition, they are not wholly without precedent in Dilworth. As Virginia Oswald discusses in the Dilworth National Register nomination, C.C. Hook, the well-known architect who designed many Dilworth Colonial Revival houses, was also a proponent of multi-family dwellings. He and others built duplexes and multi-family dwellings in Dilworth. Finally, the condos' building materials echo the shingles that side one- and one-half-story and two-story single-family residences throughout Dilworth, for example on the 1700 block of Park Road and the 300 block of East Boulevard.

The convenience store on the corner of Charlotte Drive and East Boulevard is appropriately excluded from the district, for it does not face the Dilworth neighborhood and may be considered to be more part of the section of East Boulevard to the northeast of Dilworth than to Charlotte Drive. Furthermore, it is not connected by design or materials to the characteristic architecture of Dilworth.

Area 2: The Block Bounded by Dilworth Road, East Boulevard, Buchanan Street, and an Alley Running from East to Buchanan: We concur with the commission's desire to include these blocks, for they encompass residences exhibiting characteristics typical to Dilworth. Furthermore, Dilworth Road is a very important neighborhood street, and properties on both sides should be included in the district. The houses are mostly either small-scale brick or frame structures, several displaying Colonial Revival or Picturesque design or details common to Dilworth. Together with the National Register properties in their vicinity, they create a cohesive streetscape of early twentieth-century residences.

Area 3: A Portion of Latta Park, Properties Facing Belgrave Place and Linganore Place not in the National Register District, and Two Properties on Morehead Street: These blocks on the northeastern edge of Dilworth are appropriately within the district, for they include properties on two main Dilworth Streets, Romany and Berkley, as well as others on the smaller, curving connectors, Linganore and Belgrave. The properties in this section are completely in keeping with adjacent houses in the National Register District. Many of the larger homes reflect a Colonial Revival influence, and the smaller homes represent the popularity in Dilworth of the simple, front-gabled bungalow. The section of Latta Park should be included in the district for its historic association with the neighborhood, its location to the east of Dilworth Road, and its proximity to the residences of the district. The properties on Morehead Road are tied to Dilworth: The Inn is related through its distinctive Colonial Revival architecture which is central to the character of Dilworth. The Spangler Construction office, although non-contributing architecturally, is related due to the company's importance in the history of Dilworth's development.

Area 4: Sections of Berkley, Mount Vernon, Templeton and Lexington Avenues Excluded from the Dilworth National Register District: We concur with the commission's recommendation to incorporate these blocks in the Dilworth district. They include properties at the intersection of the northwest ends of the curvilinear streets, Lexington, Templeton, Mount Vernon, and Berkley with one of the original grid streets, Euclid. These houses are mostly modest bungalows representing many of the most common styles of Dilworth, including Colonial Revival and Picturesque. These properties embrace the school and the park and thus necessitate their inclusion in the district. Although non-contributing, the school is not obtrusive and the park is historically associated with the neighborhood.

Area 5: Area Around the Intersection of Rensselaer Avenue and Cleveland Avenue: The National Register nomination specifies different boundaries than those the commission indicates in its report. Enclosed is a copy of the relevant portion of the map from the nomination. It appears that only the 300 block of Rensselaer is not within the existing National Register district. With its bungalows of brick and frame construction, the streetscape of this block is in keeping with the character of the more modest residences of Dilworth. Although this block has a few recent, non-contributing structures, it successfully conveys the early-twentieth century tone of the neighboring National Register blocks.

In conclusion, we support the commission's recommendation in its report for the designation of an expansion of the Dilworth local historic district. The expansion proposal has been guided by the design of the Dilworth neighborhood and the presence of typical Dilworth architecture to define a district with distinct character. Dilworth continues to combine the elements of transportation, architecture, and recreation introduced by Edward Dilworth Latta to offer a high quality of life to its residents, and it is a fine candidate for local designation. Thank you for the opportunity to comment on this proposal.

Sincerely,

Juli Aulik
Preservation Planner
State Historic Preservation Office

enclosure

North Carolina Department of Cultural Resources

James G Martin Governor
Patric Dorsey Secretary

Division of Archives and History
William S Price Jr Director

February 13, 1992

John R. Rogers, Jr., Administrator
Charlotte Historic District Commission
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, NC 28202-2853

Dear John:

Thank you for your letter of January 24 and the Survey and Research Report for the designation of the Plaza-Midwood area as a local historic district. We have reviewed the information pursuant to G.S. 160A-400.4 and offer the following comments.

Plaza-Midwood is a historically working class neighborhood which retains a great deal of early-twentieth century commercial and residential character. When first developed by Benjamin Heath around 1903, the neighborhood was intended to be another of Charlotte's "Streetcar Suburbs;" its commercial area on Central Avenue was served by the streetcar, and its main boulevard, The Plaza, was to be the centerpiece of a grand residential area. However, the streetcar did not make the inroads expected in the neighborhood, and the area waited until the popularity of the automobile to be fully developed. Therefore, the Plaza-Midwood neighborhood is defined by The Plaza, its commercial area, and by its intact collection of early-twentieth century bungalows and picturesque cottages.

We concur with the proposed boundary to the east, with the exception of the commission's proposal for its northern-most block. The eastern boundary includes the properties facing The Plaza, a substantial majority of which contribute to the district. These properties are mostly bungalows or picturesque cottages with a few larger Colonial Revival residences intermingled among the more modest homes. The grander homes along The Plaza, when combined with their more modest neighbors, illustrate the transition from the early aspirations of Plaza-Midwood's developers to the less-ambitious homes that ultimately defined the neighborhood. However, we do not concur with the commission's desire to exclude the one contributing and three noncontributing properties on the northeastern side of The Plaza. These four structures are all oriented toward The Plaza, relate to the main artery of the neighborhood and its streetscape, and should be included in the district. The non-contributing property at the northwestern edge of The Plaza addresses Parkwood Avenue, not The Plaza, and therefore may be appropriately excluded from the district.

We concur with the commission's proposed boundaries for the district to the west. The western boundary is appropriately drawn to include blocks of original Plaza-Midwood streets that still contain a majority of contributing structures. The properties around the 1600 block of Pecan are appropriately excluded, for the fabric of the streetscape has been too greatly altered to still contribute to the overall character and significance of the district.

We concur with the proposed boundaries for the Central Avenue commercial area at the southern end of the proposed district. The 1500 block of Central Avenue retains a distinctive early-twentieth century commercial character and should be included in the district. The presence of the Pure Oil Station on this block is notable, for it ties the historically streetcar-related commercial area to the advent of the automobile and the ultimate development of Plaza-Midwood as an automobile suburb. In addition, its picturesque cottage design was meant to echo the popular residential cottage and thereby link the neighborhood's commercial and residential fabric, as it does in Plaza-Midwood. The inclusion of the Dairy Queen on the corner of Pecan and Central is appropriate, for it relates to the commercial area's transition from the streetcar to the automobile and is a splendid example of road-side architecture. The streetscape of the 1600 block of Central has been too altered to merit inclusion in the district.

The commission has suitably chosen the northern boundary to include properties on both sides of Mimosa which are bungalows and cottages completely in keeping with the character of Plaza-Midwood. However, we question the exclusion of vacant lot which is the northwestern-most property on Mimosa. Although non-contributing, this property is also unobtrusive, and it faces contributing properties and supplies continuity to the Mimosa streetscape.

Overall, the Plaza-Midwood neighborhood conveys a strong sense of the early twentieth-century working class neighborhood. The majority of its cottages and bungalows are detailed and intact examples of popular national styles, and relate the quality housing and residential life available to workers. In addition, the district contains several interesting variations on the Prairie and Mission styles as well as more traditional Colonial Revival residences. The continued association between the neighborhood, The Plaza, and the commercial area should be preserved both as a vital neighborhood and as a significant representative of local history.

In conclusion, we support the commission's recommendation in its report for the designation of the Plaza-Midwood local historic district with the suggested revisions to the northeastern and northern boundaries. Thank you for the opportunity to comment on this proposal.

Sincerely,

Juli Aulik
Preservation Planner
State Historic Preservation Office

2108 Charlotte Dr.
Charlotte, NC 28203

March 1, 1992

John R. Rodgers, Jr.
Charlotte Historic District Commission
Charlotte Mecklenburg Planning Commission
600 East Fourth St.
Charlotte, NC 28202-2853

Dear John:

My husband, Roger Dahnert, and I are very pleased with the findings of the State Historic Preservation Office regarding the proposed expansion of the Dilworth Local Historic District. The expansion is badly needed to protect the scale and character of homes in our neighborhood from incompatible development.

Roger and I live on Charlotte Drive. We are extremely concerned about one block on Charlotte Drive near the intersection of Ideal Way, which has been petitioned for exclusion. This block is referenced in Area 1, page 2 of the letter from the state. We strongly urge that City Council support the proposed expansion in its entirely, including this particular block. Its retention is important to ensure compatible development/redevelopment in the future, since the property is directly across the street from several residential properties.

We are very excited about the proposed expansion even though it will require additional plan review. We believe this step is well worth the protection it will provide our uptown neighborhood.

We appreciate all your work and that of other city staff members in helping the expansion become a reality.

Sincerely,

Nancy Williams

Nancy Williams

RECEIVED
MAR 2 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

RESPONSE TO REZONING PETITION 91-77
after North Carolina Department of Cultural Resources advisory letter

TO WHOM IT MAY CONCERN:

The undersigned is President of Charlotte Drive Condominiums Association, Inc. and the first speaker in opposition to rezoning petition 91-77 at the December 17, 1991 public hearing. Charlotte Drive Condominiums are at 1901-1903-1905-1907 Charlotte Drive opposite the eastern terminus of E. Worthington Ave.

This particular response -- the undersigned had made a previous response -- is to comment on the advisory described in the next paragraph. That advisory should have been part of the file at the time of the public hearing rather than being received almost two months afterward. In such an event the undersigned would have made just one response.

The North Carolina Department of Cultural Resources ("the Department") submitted their advisory dated February 12, 1992 to John Rogers, Administrator, Charlotte Historic District Commission, whose office is in the Planning Staff's office. Ms. Juli Aulik wrote the advisory in behalf of the Department but neither she nor anyone else from the Department came to Dilworth to research the findings she asserts to be factual.

The advisory paraphrases G. S. 160A-395 which provides the Department shall submit such an advisory, however, City Council is not required to vote consistent with the advisory.

Charlotte Drive Condominiums do not qualify for The National Register. At the December 17, 1991 public hearing for 91-77 in response to Planning Staff Land Development Manager Walter Fields' question Mr. Rogers stated property had to be 50 years old to be considered (qualified). Attached Exhibit C taken from the February 27, 1991 Mecklenburg Neighbors contains a graphic illustrating Charlotte Drive Condominiums are not included in the National Register District.

On page 8 of the May 13, 1987 Mecklenburg Neighbors in an article written by Richard Hoag, he writes:

> "The national historic district's general boundaries are Ordermore Ave., Charlotte Drive, Dilworth Road East, Belgrave Place, E. Morehead St., Myrtle Ave., Rensselaer Ave., a couple of properties on South Boulevard and the rear property lines of Tremont Ave."

A copy of page 26 from The National Register Bulletin #32 (I 29.76/3:32 648-D at the downtown public library) is attached as Exhibit A. Criteria to be eligible for inclusion into The National Register are stated on page 26. These National Register criteria statements include the definition of words and terms stated but undefined in G. S. 160A-395.1: history, architecture, culture, possess integrity of design, setting, materials, feeling and association. Obviously The National Register criteria was used to model the draft of G. S. 160A-395.1.

With reference to The National Register criteria considering the fact that (A) no event has ever occurred in Dilworth making a significant contribution to the broad patterns of our (national) history, or (B) that no significant (national) person lived in Dilworth, or (C) that inasmuch as Ms. Aulik identified for Mr. Rogers three architectural styles and three stages of development and not "distinctive characteristics of a type, period, or method of construction . . . that represent a significant and distinguishable entity . . ." required pursuant subsection C of The National Register Criteria, and (D) that no one event of prehistory or history has occurred within Dilworth one is at a loss to legitimize a Dilworth Local Historic at all to say nothing of the inclusion of Charlotte Drive Condominiums into the District.

As leadoff speaker in opposition to 91-77 I stated a significant factor no other speaker addressed: There are no architectural features of Dilworth so indigenousness Charlotte Drive real property can be distinguished from real properties in Wilmore, Oakhurst or on Vail Ave. Not only Charlotte Drive Condominiums in particular but all

but all of Charlotte Drive fails the statutory test stemming from The National Register Criteria for inclusion within a local historic district, G. S. 160A-395.1·

> Character of American Historic District -- Historic Districts established pursuant to this part shall consist of areas which are deemed to be of special significance in terms of their history, architecture and or culture and to possess integrity of design, setting, materials, feeling and association.

The 278.5 acres targeted by the Planning Staff for inclusion into the Dilworth Local Historic District were developed over a span of more than four decades before and after both the Great Depression and World War II having no common history, architecture or culture and with no connectiveness economically nor in building materials.

Mr. Fields in answer to an unidentified Councilman's question justified the inclusion of Charlotte Drive Condominiums as part of the 278.5 acres (as) "referencing the edge of the neighborhood" rather than qualifying for structures built during a period which he never defined. With reference to Exhibit C, the outline of The National Register District in Dilworth, the people compiling the Register obviously considered the respondents' properties for inclusion but decided not to compromise their own standards to include Charlotte Drive Condominiums in order "to reference the edge of the neighborhood." At the very least the 278.5 acres in 91-77 should not include any property not included in The National Register District because National Register and statutory criteria are identical. (Compare Exhibit A, National Register Criteria, with G. S. 160A-395.1.)

The Department advisory approves the exclusion of the Circle K Store property from 91-77. The Circle K property was part of the 1.908 acres deeded to Alexander Home (Exhibit B) in 1916 just as was Charlotte Drive Condominiums. The National Register excludes the Circle K. The Planning Staff's decision to delete the Circle K property from 91-77 but to include Charlotte Drive Condominiums because Charlotte Drive Condominiums, Nantucket Office Condominiums, Charlotte Drive Office Condo-

miniums and Hope Haven, Inc (under construction) "reference the edge of the neighborhood" is particularly arbitrary. The Circle K property "references the edge of the neighborhood" more than any other single parcel within the 278.5 acres because the Circle K has five commercial-width driveways on East Boulevard, Charlotte Drive and Kenilworth Ave. Such a distinction cannot be observed from a Raleigh office.

The City Clerk's Office made an audio cassette of the December 17, 1991 public hearing. Below is the verbatim account of the question and answer exchange between the unidentified Councilman and Mr. Fields at the conclusion of the leadoff speaker in opposition to 91-77

Councilman· I have a quick question. Walter, you pointed out during the dinner some of the areas that were inside and outside, the, what's the term . . . ?

Mr. Fields· The National Register District.

Councilman: Will you let us know which areas that might be when the speakers come up. I'm just curious if any of these plats or lots that were talked about are either inside or outside the National Historic, just for curiosity sake.

Mr. Fields· Mr. King's property are the ones along Charlotte Drive that are the office condominiums. They are the ones that we pointed out to you earlier are in a narrow strip which are on one side of Charlotte Drive, the other side is still existing single-family fabric, and the (91-77 proposed expansion of the Dilworth Local Historic) District boundary was drawn to include (emphasis added) the properties that he (Mr. King, the leadoff speaker in opposition) was referring to, again, not so much because they actually contain structures of that period but because they reference the edge of the neighborhood and the Historic District itself. Once you go beyond that point you are into the Kenilworth corridor which is a different type of area.

Councilman· So that one (the property to which the leadoff speaker in opposition referred -- Charlotte Drive Condominiums) was inside the National Historic?

Mr. Fields· It's not included in the National District, but it is included in this proposal (91-77 for the Local Historic District.

Councilman· This (Charlotte Drive Condominiums) is outside?

Mr. Fields: Yes.
Councilman· Okay.

Later in the December 17, 1991 public hearing Mr. Fields admitted previous inclusions of non-qualifying G. S. 160A-395.1 properties when in response to Councilman Martin's question regarding another portion of the 278.5 acres, he stated·

> (Mr. Fields·) Let me again observe that while we're being quoted here the statute it is important to realize the application of the statute as we are proposing it here, and as we have had experience with it in the past. You may recall, that in 1983, when the first Historic District was put in place in Dilworth there were a number of properties along East Boulevard which had already been converted to more contemporary or more modern-type structures, but they were included because they were within The (National Register) District and because the renovation of those structures in the future would be important as to what happens to the adjoining properties.
>
> I think that same sort of rationale goes into consideration in part of these two pieces (Note: Properties on E. Morehead St. and Kenilworth Ave. far removed from Charlotte Drive Condominiums). We have National Register properties and Historic District properties surrounding three sides of these two sites and while it is true they are of more recent construction and while their particular architectural style in and of itself can't be argued as architecturally significant they do again form the boundary of the neighborhood, much in the same fashion as we were just describing on the office zoned properties along (sic) Kenilworth Ave. To leave those pieces out creates an intrusion into the fabric of the Historic District.

The respondents herein wish to note that to include non-qualifying East Boulevard properties within the original Dilworth Local Historic District in 1983 and admit it in 1991 does not sanction the law to be broken again. If City Council should vote to include an area within the Dilworth Local Historic District which Mr. Fields admits does not meet the test of G. S. 160A-395.1 opponents to the non-qualifying land should be able to obtain relief from a Superior Court judge. If the General Assembly had wanted to include peripheral properties (which) "form the boundary of the neighborhood" to use Mr. Fields' phrase they would have provided for same in the General Statutes.

Charlotte Drive Condominiums were built in 1979 on part of 1.908 acres which on July 25, 1916 were deeded from Charlotte Consolidated Construction Co., E. D. Latta, President, to the Alexander Home for the sum of $1.00 plus certain

restrictive covenants now illegal described in the deed (Exhibit B). Looking at the plat on the deed we can observe that neither Charlotte Drive nor Kenilworth Ave. was built at the time.

At the time Charlotte Drive Condominiums were built the only improvements on the block bounded by the 1.908 acres described above were a Union 76 station spanning the entire block along East Boulevard and architect Harold L. Cooler's office spanning the entire block along Ideal Way. Nantucket Office Condominiums and Charlotte Drive Office Condominiums were built on adjacent lots to the north and south of Charlotte Drive Condominiums in 1985 and 1981 respectively.

Considering the above The National Register properly excluded the entire block described above. One can see on the map attached as part of Exhibit C the east side of Charlotte Drive from East Boulevard to Lattimore St. was excluded.

continued on page 7

Ms. Aulik admits as did Mr. Fields twice at the December 17, 1991 public hearing Charlotte Drive Condominiums are "non-contributing" meaning in essence Charlotte Drive Condominiums do not in fact meet the test of G. S. 160A-395.1. She terms Charlotte Drive Condominiums as "unobtrusive." Obviously all improvements to land must have corresponded to building and zoning codes of the time. People construct improvements on land not only as functional (shelter or income producing) but as a compliment to themselves and as an investment to sell at some future time. Nobody will build a structure to be obtrusive because such an act would be counter-productive. Anybody who can afford to buy land in today's market will not build an obtrusive structure consistent with the prevailing zoning and building codes.

To be sure Charlotte Drive is curvilinear but the four streets east from Charlotte Drive i. e. Kenilworth Ave., Scott Ave., Floral Ave.-Clayton Drive and Cumberland Ave.-Lilac Rd. are also curvilinear and on the opposite (north) side of East Boulevard please take note that Fountain View and Garden Terrace were also curvilinear until the last decade when Carolinas Medical Center expansion resulted in their becoming deadend streets.

The character of the area of those above six streets east from Charlotte Drive is similar to Charlotte Drive, however, none of the buildings are within the 278.5 acres. These neighborhoods have more similarity to Charlotte Drive than Charlotte Drive has to the existing Dilworth Local Historic District. The area within the present Dilworth Local Historic District and west of Dilworth Road East was originally far more aristocratic than Charlotte Drive ever got to be. The lots on Charlotte Drive and east to Cumberland Ave. were platted considerably smaller. One has to go into Dilworth to observe the difference between Dilworth Road East and Charlotte Drive and the similarities of neighborhoods between Charlotte Drive eastward to Cumberland Ave. One cannot observe the distinctions and similarities described above from an office in Raleigh.

Ms. Aulik thinks all of Charlotte Drive should be included because Charlotte Drive is curvilinear just like other streets such as Dilworth Road East and Dilworth Road West. The origin of Dilworth's curvilinear streets could have been discovered by a man in 1982 who searched the Olmsted brothers' Brookline, MA office closed years and years previously. In a February 28, 1982 Charlotte Observer article on page 6E the researcher told his interviewer:

> "Like Queens Road West, the southern loop of Dilworth Road East and West (which the Olmsteds called East Way and West Way) owes its graceful sweep -- the confusion of intersections -- to a trolley line extension that was never built."

This respondent would not object to the inclusion of Charlotte Drive, the roadbed, into the Dilworth Local Historic District although none of Dilworth should qualify to be included (compare Exhibit A, National Register Criteria, with G. S. 160A-395.1), but limit the inclusion to the Charlotte Drive roadbed, the curvilinear street by itself, not the properties for which people have deeds filed in the courthouse.

Respectfully submitted,

Cecil King
President, Charlotte Drive Condominiums
1903 unit owner

David B. Palmer
1901 unit owner

Kathryn Shearer
Secretary, Charlotte Drive Condominiums
1907 unit owner

Appendix B

The National Register Criteria for Evaluation

The quality of significance in American history architecture, archeology, and culture is present in districts sites buildings structures and objects that possess integrity of location design, setting materials workmanship, feeling and association and

A that are associated with events that have made a significant contribution to the broad patterns of our history or

B that are associated with the lives of persons significant in our past, or

C that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction or

D that have yielded or may be likely to yield, information important in prehistory or history

Criteria Considerations (Exceptions) Ordinarily cemeteries birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories

A a religious property deriving primary significance from architectural or artistic distinction or historical importance or

B a building or structure removed from its original location but which is significant primarily for architectural value, or which is the striving structure most importantly associated with a historic person or event or

C a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life, or

D a cemetery which derives its primary significance from graves of persons of transcendent importance from distinctive design features or from association with historic events, or

E a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived or

F a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance, or

G a property achieving significance within the past 50 years if it is of exceptional importance

Appendix C

Recommended National Par Service Publications

Archeology and Historic Preservation Secretary of the Interior s Standards ar Guidelines *Federal Register* Vol 48 No 190 44716 42 September 29 108

Manual for State Historic Preservation Review Boards Preservation Planning Series 1984

National Register Bulletin 6 Nomination of Properties Significant for Association with Living Persons 1981 revised 1982

National Register Bulletin 15 Guidelines for Applying the National Register Criteria for Evaluation in draft, June 1, 1982

National Register Bulletin 16 Guidelines for Completing National Register of Historic Places Forms September 30, 1986

National Register Bulletin 22 How To Evaluate and Nominate Potential National Register Properties that have Achieved Significance within the Last 5 Years 1979, revised 1987

National Register Bulletin 24 Guidelines for Local Surveys A Basis for Preservation Planning 1977, revised 1985

Exhibit A

U S GOVERNMENT PRINTING OFFICE 1989- 231-039

OF, T O FORM, in consideration of the premi s and of the sum o [illegible] hundred Dollars ($1700.00) paid to the said party of the first part by the said party of the second part, the receipt of which is hereby acknowledged, and under and by virtue of the power and authority by the said deed of trust conferred, the said E.L.Keesler, Trustee, as aforesaid, does hereby bargain, sell and convey unto the said Charlotte Consolidated Construction Company, its successors and assigns, a certain parcel or tract or lot of land lying and being in Mecklenburg County, State of North Carolina, and defined and described as follows, to-wit:

Lying and being in the City of Charlotte, in Dilworth, and being Lot No.3, in Square No.49 and fronting 50 feet on Worthington Avenue, and extending back with said width 150 feet as shown by section 1 of the map of Dilworth recorded in the Mecklenburg Registry in Book 230, page 60, to which reference is hereby made, reserving, however, and alley way ten feet wide, exte ding across the rear end of said lot for the perpetual use of all lot owners in said Square, in common with the party of the second part, its successors and assigns, for the purposes of ingress, egress or regress, in consideration of which a corresponding right or easement is hereby granted to the party of the second part, its successors and assigns, to the use of this or any other alleyway located in said Squqre. This conveyance is made subject to the conditions, restrictions and agreements set forth in the deed of the Charlotte Consolidated Construction Company to W.L.Bowden, dated January 1, 1912, and duly recorded, reference being made to said deed herein mentioned.

TO HAVE AND TO HOLD said land and premises and all privileges and appurtenances thereto belonging unto the said Charlotte Consolidated Construction Company, its successors and assigns, forever, in as full and ample manner as the said E.L. Keesler, Trustee, as aforesaid, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, the said E L.Keesler, Trustee, as aforesaid, has hereunto set his hand and affixed his seal the day and year first above written.

E.L.Keesler, Trustee (Seal)

State of North Carolina, County of Mecklenburg,

I, James Gattis a Notary Public in and for the said County and State do hereby certify that E.L.Keesler, Trustee personally appeared before me this day and acknowledged the due execution of the foregoing Deed.

Witness my hand and notarial seal, this the 14th day of July, 1916.

James Gattis, Notary Public.

My Com. expires March 6, 1917. (SEAL)

North Carolina, Mecklenburg County,

The foregoing certificate of James Gattis a Notary Public of said County is adjudged to be in due form and according to law. Let the instrument and this certificate be registered, this 28th day of July, 1916.

C.C.Moore, Clerk Superior Court.

Filed July 28th 1916 at 5:20 o'clock P.M Recorded July 29th, 1916 at 2 o'clock P.M.

State of North Carolina
Mecklenburg County

THIS DEED, made this, 25th day of July, 1916, by the Charlotte Consolidated Construction Company, a corporation of the County and State aforesaid, party of the first part, to the Alexander Home, of Charlotte, N.C., a corporation, duly created and existing under and by virtue of chapter 225 of the Private Laws of North Carolina (session 1903), party of the second part,

WITNESSETH. That for and in consideration of the sum of one dollar, and in order to provide a permanent and suitable site upon which to erect and establish a new home for the poor orphaned and helpless white children, being reared and educated, and hereafter to be reared and educated, in said home, the party of the first part hath given, granted and conveyed, and by these presents doth give, grant and convey to the party of the second part, its successors and assigns, for the uses and purposes set forth in its charter, all that tract of land, in the City of Charlotte, County and State aforesaid, and more particularly described as follows:

Beginning at a point on the South line of East Boulevard, 40-feet westerly at right angles from the center line of power transmission line of the Southern Power Company, thence N.47-15 W., with said South line of East Boulevard, 150.09 feet to the East line of a proposed street in the plan of "Dilworth", thence S.40-43 2/3 W, with said proposed street line 594.45 feet to a stake; thence S.

Exhibit B

75-59 E,167.92 feet to a point 40-feet Westerly at right angles from said center line of power transmission line,thence N.40-43 2/3 E,parallel and 40-feet distant from said center line of power transmission line 513.67 feet to the point of Beginning,containing 1.908 acres.

TO HAVE AND TO HOLD the said land,and premises,with all the privileges and appurtenances thereunto belonging,unto the Alexander Home,party of the second part,its successors and assigns,for the uses and purposes authorized and permitted by its charter and none other, Provided,however,that if at any time in the furture it should become necessary to change the site of the home to one better suited to the needs of the institution,then the party of the second part shall have the right to sell and convey the above-described land,and to execute a fee simple deed therefor,free and clear from the trust hereby created,on condition that the proceeds of such sale shall be used exclusively in the purchase of a new site and the erection of a new home thereon.

IN WITNESS WHEREOF, said party of the first part has caused these presents to be signed in its name by its President,and its corporate seal to be hereto affixed and attested by its Secretary this,the day and year first above written.

Attest: Charlotte Consolidated Construction Compa

Thos.T.Allison, SEAL By E.D.Latta,President.

Secretary.

North Carolina,Mecklenburg County,

This,27th day of July,1916,personally came before me,B.L.Scrugge a Notary Public for said County,T.T.Allison,who,being by me duly sworn,says that hehnore the common seal of the Charlotte Consolidated Construction Company and is acquainted with E.D.Latta,who is the President and presiding member of said Corporation,and that he, the said T.T.Allison,is the Secretary of the said corporation and saw the said President sign the foregoing instrument and saw the said common seal of said corporation affixed to said instrument by said President,and that he,the said T.T. Allison,signed his name in attestation of said instrument in the presence of said President of said corporation.

Witness my hand and notarial seal, this 27th day of July 1916.

NOTARY SEAL PUBLIC B.L.Scruggs,Notary Public.

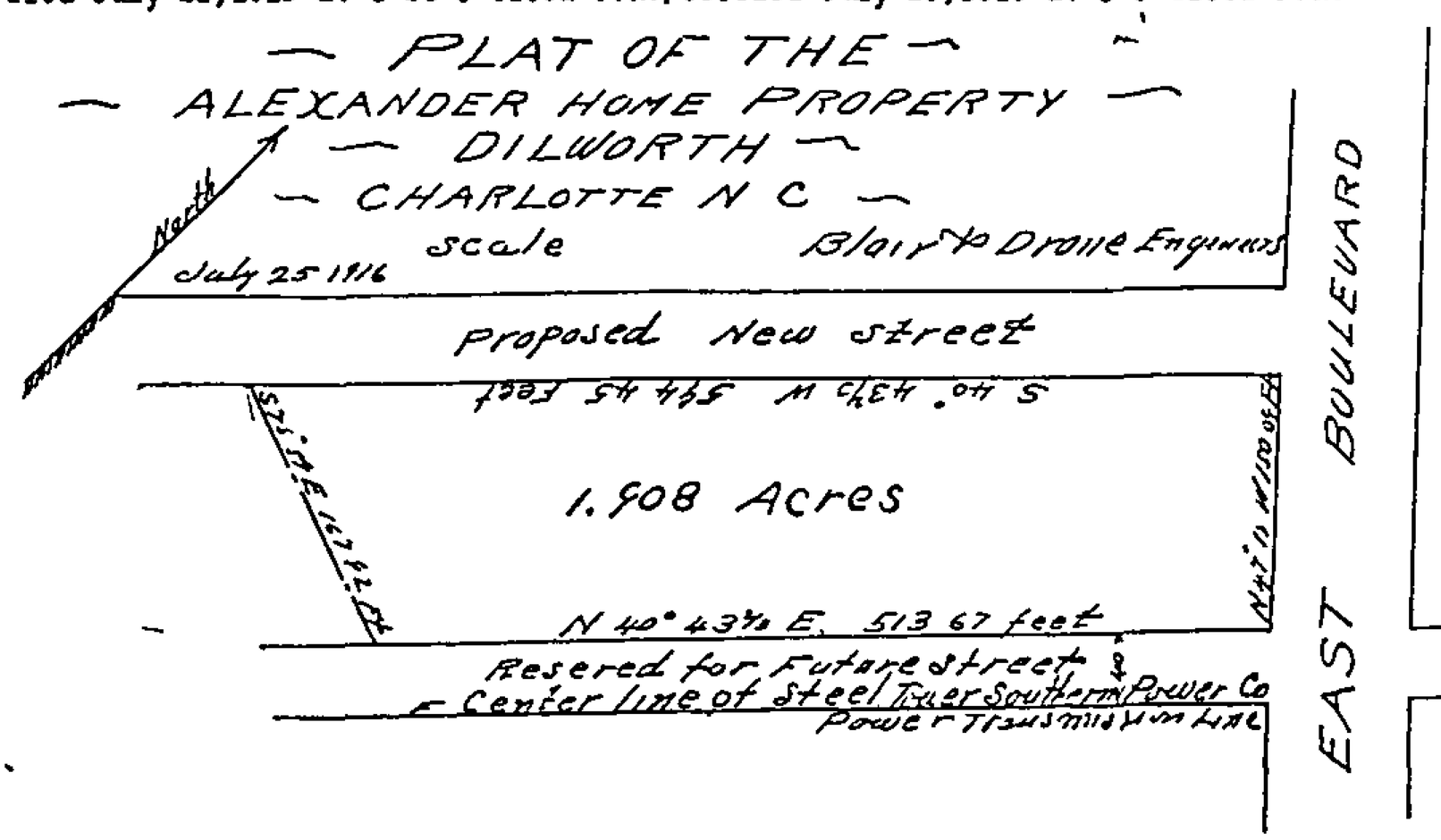
My Com.expires June 23,1917.

North Carolina,Mecklenburg County,

The foregoing certificate of B.L.Scrugs a Notary Public of said County is adjudged to be in due form and according to law.Let the instrument and this certificate be registered,this 28th day of July,1916.

C.C.Moore,Clerk Superior Court.

Filed July 28,1916 at 5:20 o'clock P.M.Recorded July 29,1916 at 3 o'clock P.M.



THIS DEED, made this 18th day of July, A.D. 1916, by and between The Parks Land Company, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, of the County of Mecklenburg and State of North Carolina, party of the first part, and George A. Hiller of the County of Mecklenburg, and State of North Carolina, party of the second part,

WITNESSETH, that the said party of the first part, in consideration of One hundred Dollars and other valuable consideration to it paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does grant, bargain sell and convey unto the said Geo. A. Hiller and his heirs, all that lot of land, situate, lying and being in Charlotte Township, Mecklenburg County, State of North Carolina, and more particularly described as follows:

Lot number twelve of Block number four of "Locke Wood", as shown on map thereof recorded in the Office of the Register of Deeds for Mecklenburg County, North Carolina, in Book 332, page 61, to which reference is hereby made for a more particular description.

Beginning at an iron stake in the south-west line of Sylvania Avenue, the corner between Lots 11 and 12 of Block 4 of "Lock Wood"; thence with the said line of Sylvania Avenue, S.56-57 E, 50 feet to an iron stake, the corner between Lots 12 and 13; thence with said line of lot 13, S.33-03 W, 170 feet to an iron stake in the north-east line of a 10 foot alley way, the rear corner between lots 12 and 13, thence with said line of said alley N.56-57 W, 50 feet to an iron stake the corner between lots 11 and 12, thence with the side line of Lot 11, N.33-03 E. 170 feet to the point of beginning.

The foregoing property is conveyed subject to the following covenants, conditions and restrictions, which the party of the second part, for himself and his, heirs and assigns, hereby covenant and agree to perform and abide by: (1) The property shall be used for residential purposes only and shall be occupied and owned by people of the white race only. (2) No residence erected on the property shall be nearer the property line adjoining any street than twenty-five feet, nor nearer either of the side property lines than six feet. (3) Outbuildings shall be erected only after the main residence is begunni and shall not be nearer the property line adjoining any street than ten feet. (4) All fences on the property shall be of metal or stone, with wooden posts when necessary, and no part of any fence exceeding two feet in height shall be nearer the front of the property than fifty feet. (5) No sign boards of any description shall be displayed on the property, with the exception of signs "For Rent" or "For Sale,", which signs shall not exceed 2x 3 feet in size. (6) Any residence erected on the property shall cost not less than $------(7) No subdivision of any part of the above described property by sale, or otherwise, shall be made so as to result in a plot having a frontage of less than fifty feet. (8) Any residence built on the property must face the street in front of the lot on which it is built. On a corner lot the residence must face the street on which the lot has the shorter frontage. (9) No part of the property shall be used for agricultural purposes except the part set aside as service premises, which shall not be nearer any street than seventy-five (75) feet. By service premises is meant any areas used for wood yard, laundry yard, or kitchen garden, and any areas enclosed for the keeping of poultry or stock. (10) The Parks Land Company, its successors or assigns, shall have and is hereby given a right of way along the rear line of the lot hereby conveyed for pole lines or conduits in connection with supplying light, power and telephone service. (11) It is expressly understood and agreed by the parties hereto that all of the foregoing covenants, conditions and restrictions, which are for the protection and general welfare of the community, shall be covenants running with the land.

TO HAVE AND TO HOLD the aforesaid lot of land and all privileges and appurtenances thereto belonging, to the said George A. Hiller heirs and assigns, to himself and their only use and behoof forever. And the said The parks Land Company, for itself, , its successors and assigns, covenants with the said party of the second part, his heirs and assigns, that it is seized of said premises in fee, and has right to convey the same in fee simple, that the same are free and clear from all incumbrances and that it will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said The parks Land Company, party of the first part, has caused its name to be hereunto signed by its President, attested by its Secretary, and its common corporate seal to be hereto affixed, all by order of its Board of Directors , and the said George A. Hiller, party of the second part, has hereunto set

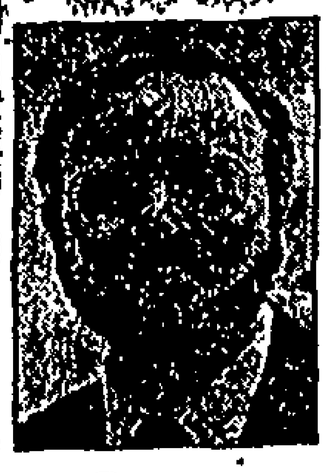
Dilworth: Expanded Historic District Would Protect Neighborhood

Continued From Page 6

from the commission.

If someone wanted to build a 10-story building and the commission decided that was not appropriate, there might be other ways to spread the same amount of floor space over the property in a lower building, he said.

"You can arrange it in different ways to make it recognize the neighborhood better, so the developer can exercise his development rights on that property under the zoning," Rogers said. "The commission looks at innovative solutions."



Rogers

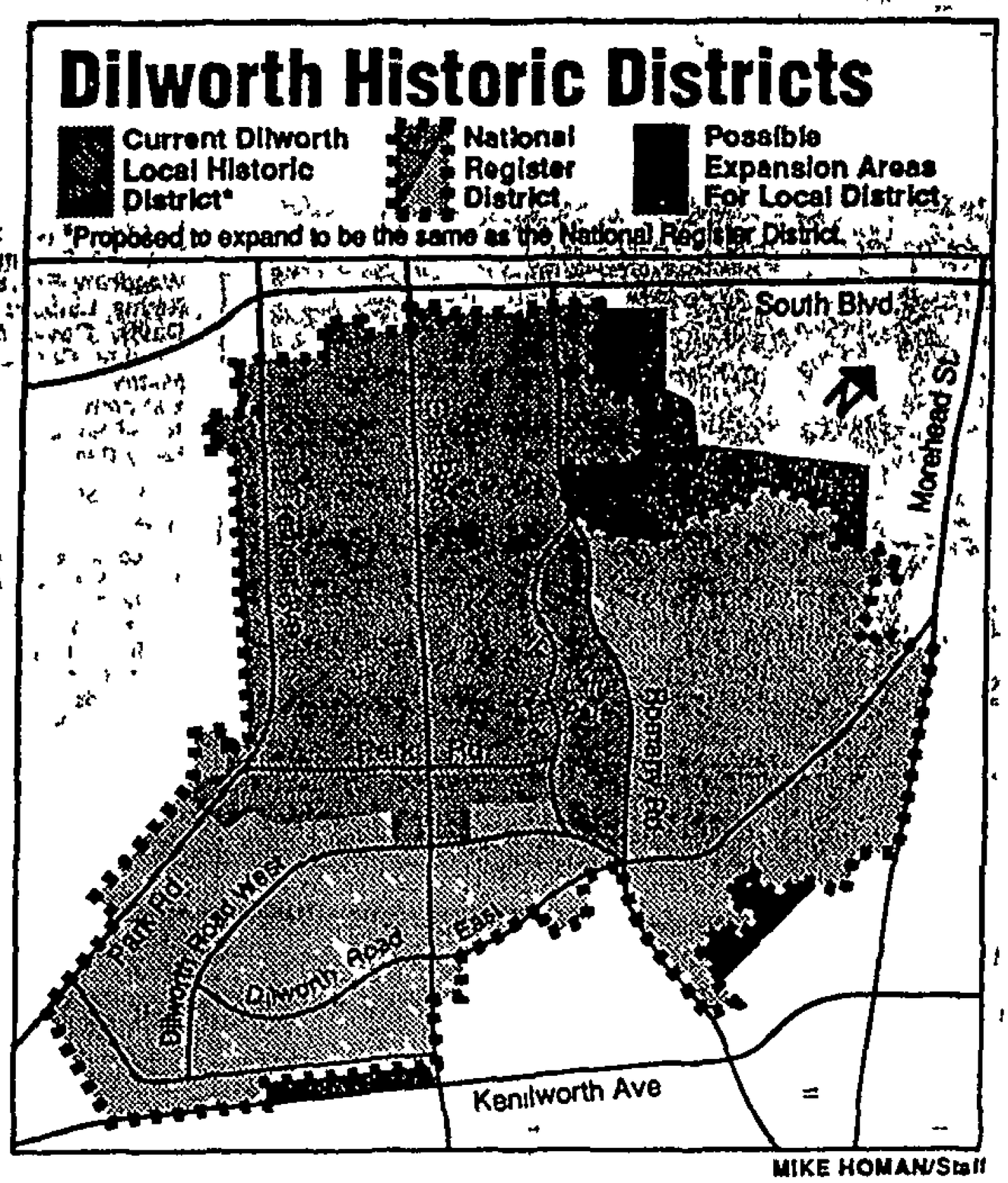
He also said the commission doesn't want to stop things from happening

"We don't ban this stuff, we just regulate this," Rogers said. "The idea behind this is to give the neighborhoods a tool, to protect itself against incompatible development."

Rogers will work with the neighborhood to take the request to the council later this year and will make sure property owners in the expansion area are notified of the proposal.

Rogers also is working with the Plaza-Midwood neighborhood on that neighborhood's first historic district east of uptown and expects to present both neighborhoods' requests to the city council at the same time

The Dilworth request, if approved, would add 738 properties to the local district — which already includes 492 properties — for a total of 1,230 The proposed Plaza-Midwood district includes 343 properties.



MIKE HOMAN/Staff

Exhibit C

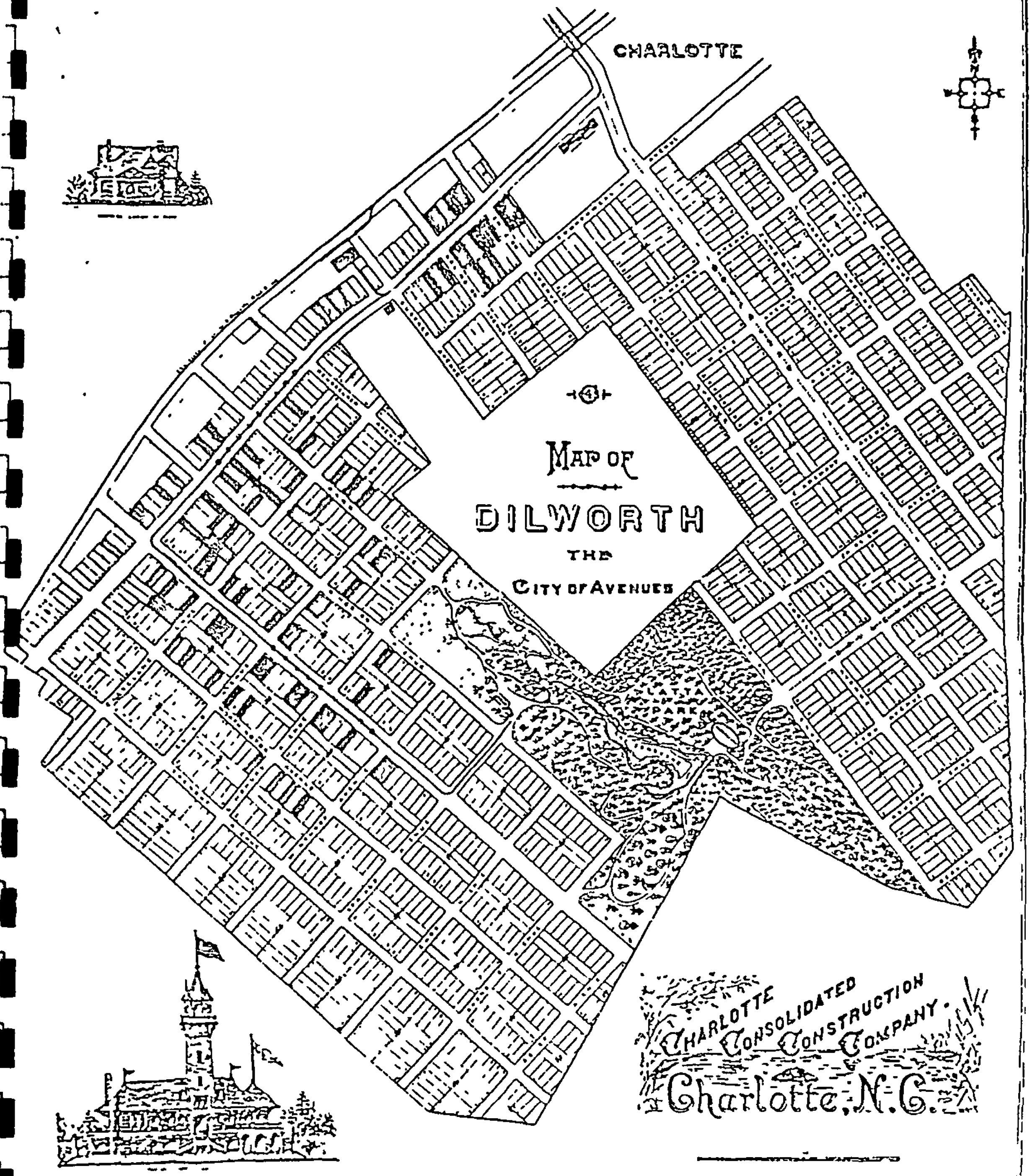
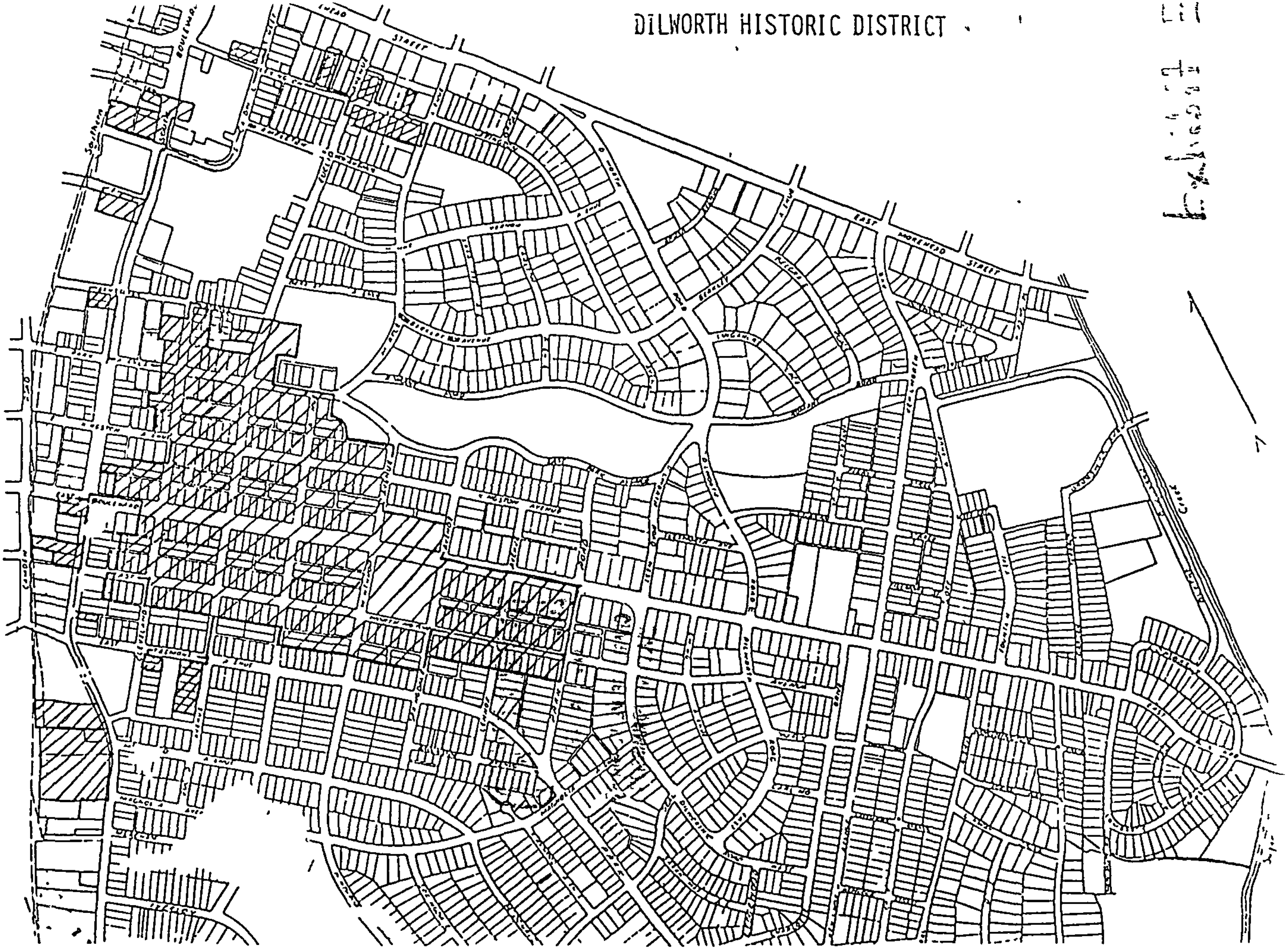

CHARLOTTE
MAP OF
DILWORTH
THE
CITY OF AVENUES
LATTA PARK
CHARLOTTE CONSOLIDATED CONSTRUCTION COMPANY.
Charlotte, N.C.

Exhibit L

DILWORTH HISTORIC DISTRICT



RECEIVED
MAR 6 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

HEPLER HALL ARCHITECTS

09 March 1992

RECEIVED
MAR 9 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

City of Charlotte
600 East Fourth Street
Charlotte, North Carolina 28202

Attn Mayor Vinroot and City Council

Re Proposed Dilworth Historic District Expansion

Dear Sirs

For almost 3 months, I have attempted to have a meeting with the CMPC to discuss my concerns about the boundaries of the proposed expansion of the Dilworth Historic District During this time, I have made my request several times, both verbally and in writing, and it has become quite apparent the petitioner does not wish to answer any of my questions As I have stated in the past, I am in favor of expansion of the district however, the proposed boundaries excludes properties already in the National Historic District and in keeping with the character of the neighborhood Furthermore, the process has been flawed by inaccurate materials submitted to the NCDCR and lack of public input into the district boundaries Below are some questions concerning the proposed district which I believe need to be answered

* Why has the St Patrict's property been sub-divided by the proposed district boundaries?
* Why have properties that are currently in the National Historic District and part of the 1911 Olmsted Area been excluded from the proposed district while property outside the Grid Area and Railway Corridor have been included?
* Why is the Circle K property the only property on that block of East Blvd that has been excluded from the district, considering that none of the property in that block is contributing?
* Why is the South Blvd corridor not included in the district given it's importance and historical significance?
* Why is the Kenilworth corridor excluded from the district considering the age,architectural style and character of the structures which are more in keeping with the neighborhood than the homes on Belgrave Place, one block away, that have been included in the district?

These are just some of the concerns of myself and others with the proposed district If these and other questions being raised are not being answered by the CMPC, why? Please, send this petition back to the Planning Commission and ask them to consider boundaries that make sense and will be well defined Thank you for your consideration of this matter

Sincerely,

Dennis J Hall,AIA/CCS

211 1/2 N Tryon St
Charlotte NC 28202
704/334 2110

RECEIVED
MAR 9 1992
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

March 9, 1992

To: Mayor
Members of the Charlotte City Council
Members of the Planning Commission

RE: Rezoning Petition 91-77

We, the undersigned, represent the ownership of all property within the block bounded by Charlotte Drive, Ideal Way, Kenilworth Avenue and East Boulevard that is affected by Petition 91-77. Our request is that this block be excluded from the Dilworth Local Historic District expansion for the following reasons:

1. The block in question was not acceptable for inclusion in the National Register District when it was created in April 1987. The National Register District extends up Kenilworth Avenue from Ordermore Avenue toward East Boulevard, but cuts over to Charlotte Drive at Lattimore Street and then continues to East Boulevard up Charlotte Drive. Contrary to Mr. Walter Fields comment at the December 17, 1991 public hearing, it is clear that the National Register referenced the neighborhood at Charlotte Drive and not at Kenilworth Avenue in this block. The last of the three office condominiums was completed in 1985. These buildings are not deemed architecturally significant by the National Register Criteria, a copy of which is included as Exhibit A. A map from Mecklenburg Neighbors' dated February 27, 1991 showing the existing National Register District is included as Exhibit B.

2. To qualify for inclusion in a historic district according to N. C. G. S. 160A-395.1 our land must be "deemed to be of special significance in terms of their history, architecture and/or culture. If this were true, our land would currently be part of the National Register District.

We maintain, furthermore, that the exclusion of this block from the Dilworth Local Historic District constitutes no threat or challenge to the purely local interests in action here. Petition 91-77 actually excludes the East Boulevard end of this block.

Respectfully submitted,

Nantucket Office Condominiums
1819 Charlotte Drive
C Dean Richards
Dean Richards, President

Charlotte Drive Condominiums
1901-1907 Charlotte Drive
Andrew B. Hanes
Andrew Hanes, Vice President

Business Properties
1909-1913 Charlotte Drive
H H Bradshaw
H. H. Bradshaw, Owner

Hope Haven, Inc.
~~1750~~ 1966 Kenilworth Ave.
Francy Duncan
Francy Duncan, Chairman

Appendix B

The National Register Criteria *for* Evaluation

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

A. that are associated with events that have made a significant contribution to the broad patterns of our history, or

B. that are associated with the lives of persons significant in our past, or

C that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

D. that have yielded, or may be likely to yield, information important in prehistory or history

Criteria Considerations (Exceptions): Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. a religious property deriving primary significance from architectural or artistic distinction or historical importance, or

B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the striving structure most importantly associated with a historic person or event, or

C a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life or

D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from distinctive design features or from association with historic events, or

E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived, or

F a property primarily commemorative in intent if design age, tradition, or symbolic value has invested it with its own historical significance, or

G a property achieving significance within the past 50 years if it is of exceptional importance

Appendix C

Recommended National Park Service Publications

Archeology and Histor c Preserv ation Secretary of the Interior s Standards and Guidelines *Federal Reg ster* Vol 48 No 190 44716-42 September 29 1983

Manual for State Histori Preser ation Review Boards Preservation Planning Series, 1984

National Register Bulletin 6 Nomination of Properties Significant for Association with Living Persons 1981 revised 1982

National Register Bulletin 15 'Guidelines for Applying the National Register Criteria for Evaluation in draft June 1, 1982

National Register Bulletin 16 'Guidelines for Completing National Register of Historic Places Forms September 30, 1986

National Register Bulletin 22 'How To Evaluate and Nominate Potential National Register Properties that have Achieved Significance within the Last 50 Years," 1979, revised 1987

National Register Bulletin 24 "Guidelines for Local Surveys A Basis for Preservation Planning 1977 revised 1985

EXHIBIT "A"

U S GOVERNMENT PRINTING OFFICE 1989-231 039

Dilworth: Expanded Historic District Would Protect Neighborhood

Continued From Page 6

from the commission.

If someone wanted to build a 10-story building and the commission decided that was not appropriate, there might be other ways to spread the same amount of floor space over the property in a lower building, he said.

"You can arrange it in different ways to make it recognize the neighborhood better, so the developer can exercise his development rights on that property under the zoning," Rogers said. "The commission looks at innovative solutions."

Rogers

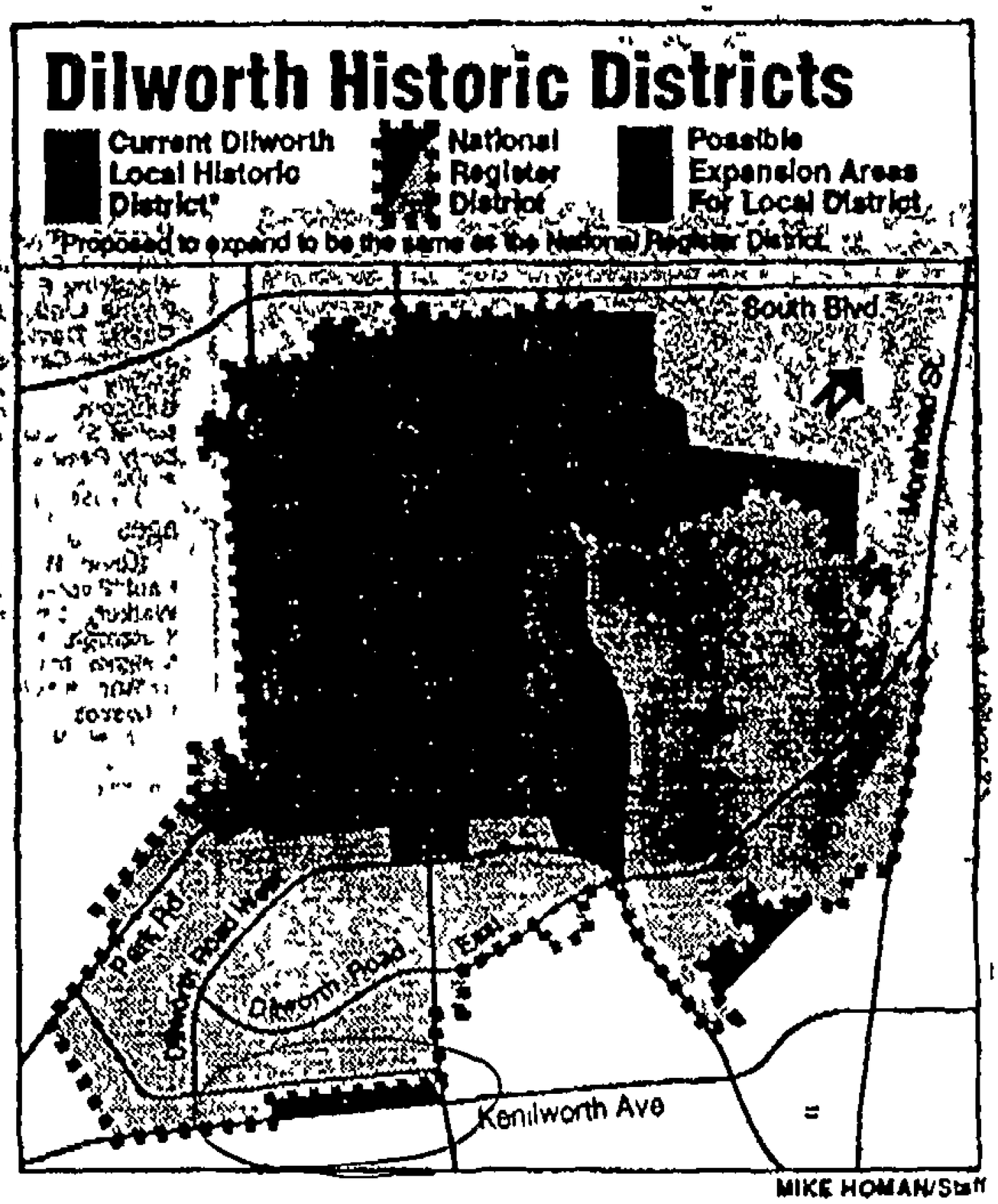
He also said the commission doesn't want to stop things from happening.

"We don't ban this stuff, we just regulate this," Rogers said. "The idea behind this is to give the neighborhoods a tool, to protect itself against incompatible development."

Rogers will work with the neighborhood to take the request to the council later this year and will make sure property owners in the expansion area are notified of the proposal.

Rogers also is working with the Plaza-Midwood neighborhood on that neighborhood's first historic district east of uptown and expects to present both neighborhoods' requests to the city council at the same time.

The Dilworth request, if approved, would add 738 properties to the local district — which already includes 492 properties — for a total of 1,230. The proposed Plaza-Midwood district includes 343 properties.



MIKE HOMAN/Staff

03 06 9 02 42 PM P04

EXHIBIT "B"

DATE	January 27, 1992
PETITION NO.:	92-1
PETITIONER(S):	Mint Museum of Art
REQUEST:	Text amendment to the City's Zoning Ordinance to provide that museums be permitted as a use under prescribed conditions in residential districts.
ACTION:	The Zoning Committee recommends that this petition be approved, as modified.
VOTE. Yeas:	Baker, Byrne, Lassiter, and Tabor.
Nays:	McClure and Spencer.

REASONS

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

The new ordinance requires various institutional type uses to be in the specific Institutional district separate from residential districts. The requested text amendment proposes to permit museums in residential districts subject to certain performance standards including a maximum floor area ratio of .5 and a minimum lot area of 15,000 square feet. The Zoning Committee expressed concern that the proposed amendment could allow a potentially negative attraction in the midst of an established neighborhood. In order to discourage incorporation of such a potentially negative attraction within a developed residential setting, Zoning Committee asked the petitioner to consider a revision to the amendment to increase the minimum lot area to five acres. The petitioner agreed to this revision and Zoning Committee recommended approval of the petition, as modified.

MINORITY OPINION

The minority opinion viewed the specific Mint Museum issue which has arisen due to philosophical changes contained in the new ordinance as more appropriately dealt with in a way other than through a text amendment. It was noted that this is an issue which warrants a deferral for additional discussion and a potential compromise solution.

STAFF OPINION

The staff disagrees with the recommendation of the Zoning Committee. This petition is due to the interests of one particular museum but will extend to all such uses in all neighborhoods. It is more appropriate to provide for this type of use through the public hearing (rezoning) process where the circumstances unique to each site may be properly evaluated.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-1

Date Filed November 8, 1991

Received By MCM

OFFICE USE ONLY

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

Purpose of Change

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

A. Zachary Smith III
Name of Agent

See below
Agent's Address

331-7474
Telephone Number

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

Mint Museum of Art
Name of Petitioner(s)

2730 Randolph Road, Charlotte,
Address of Petitioner(s)

337-2000
Telephone Number

Marc D. Oken
Signature

Marc D. Oken
President Elect

Dated: October 29, 1991

Petition No. 92-1
Petitioner: Mint Museum of Art

ORDINANCE NO._____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE ZONING ORDINANCE

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

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

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

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

(M13) Museum.

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

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

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

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

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

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

Section 12.517. **Museums in residential districts.**

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

(1) Maximum floor area ratio is .50.

(2) Minimum lot area is 5 acres.

(3) Minimum lot width is 80 feet.

(4) Minimum setback is 40 feet.

(5) Minimum side yard is 30 feet.

(6) Minimum rear yard is 30 feet.

(7) Maximum height is 40 feet.

(8) Minimum open space is 60%.

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

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

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

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

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

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

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

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

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

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

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

Approved as to form:

_____
City Attorney

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

_____
Pat Sharkey, City Clerk

DATE February 24, 1992

PETITION NO. 92-4

PETITIONER(S) Shady Hills Community Association

REQUEST Change from Institutional to R-3.

LOCATION: Approximately 28 acres located on the southerly side of N.C. 49 at Carolyn Lane.

NOTE: Subsequent to the public hearing on this petition, the petitioner submitted the attached request to delete a portion of the petitioned property. Inasmuch as a valid protest petition has been filed, the zoning ordinance will not allow withdrawal of the petition. The ordinance does allow, however, City Council to approve only a portion of the property covered by the petition.

ACTION: The Zoning Committee recommends that this petition be approved in part. (See Attached Map).

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

Nays: None.

REASONS

This petition seeks rezoning from the Institutional classification to a single family district. Subsequent to the hearing on this request, the petitioner indicated a desire to scale down the petition to focus only on the property previously considered for a special use permit for fraternal use. The relevant zoning ordinance provision stipulates that Council can not allow withdrawal of a validly protested petition but Council may always approve only a portion of the property covered by a petition. The Zoning Committee viewed the petition with respect to the property previously requested for an SUP as appropriate for approval noting that the existing zoning classification is not compatible with the adjoining single family neighborhood to the south. It was also noted that the petition is appropriate for approval in this location due to the property's topography and access through Carolyn Lane.

STAFF OPINION

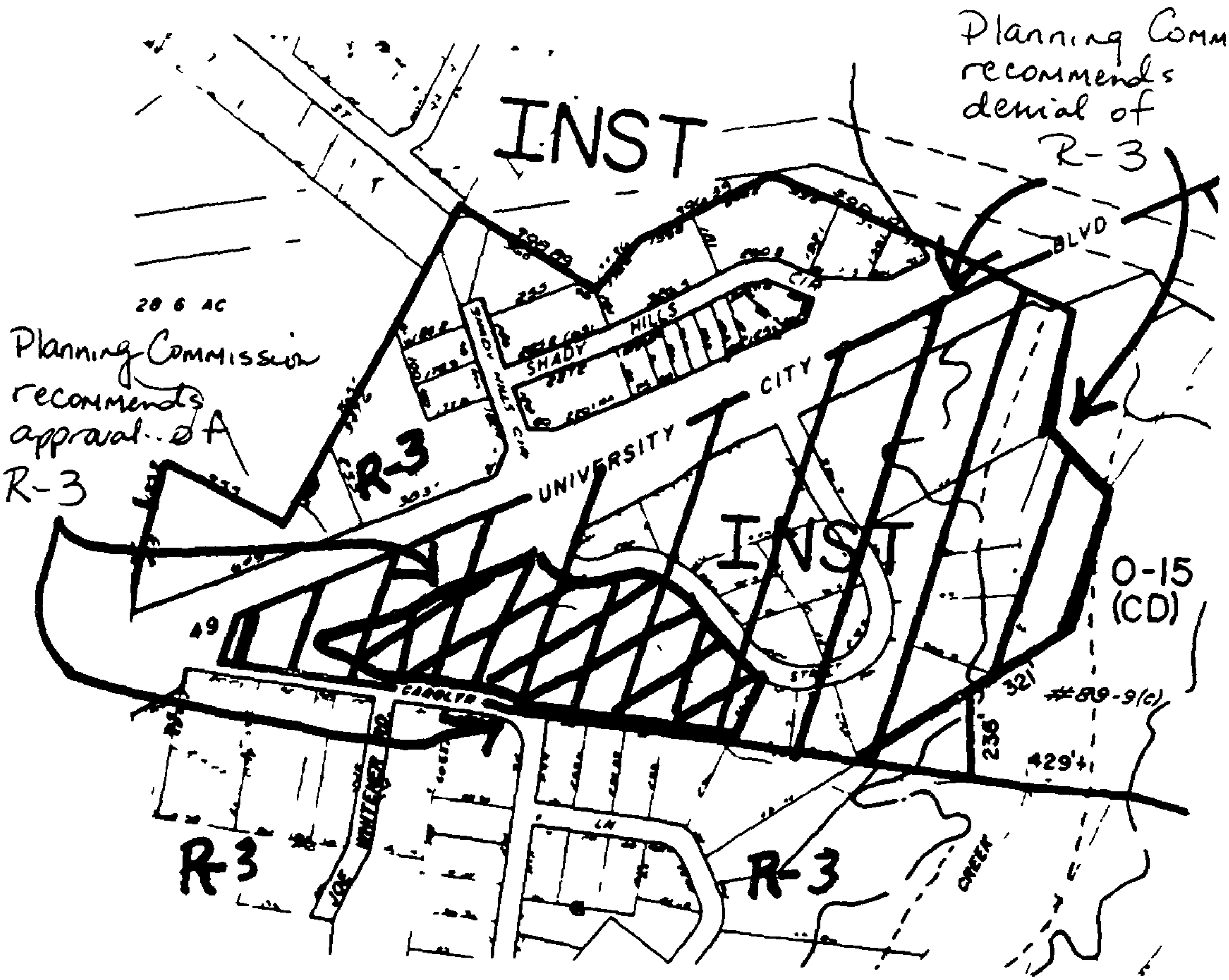
The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Shady Hills Community Association

PETITION NO 92-4 HEARING DATE February 17, 1992

ZONING CLASSIFICATION, EXISTING Institutional REQUESTED R-3

LOCATION Approximately 28 acres located on the southerly side of University City Boulevard (N C. 49) at Carolyn Lane.



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

PROPERTY PROPOSED FOR CHANGE

PARKER POE ADAMS & BERNSTEIN

WILLIAM P. FARTHING, JR.
PARTNER

RALEIGH OFFICE
PO BOX 389
ONE E. HANGE P[illegible]
RALEIGH, NORTH CAROLINA
TELEPHONE 9 9 828 [illegible]
FACSIMILE 9 9 834 [illegible]

RESEARCH TRIANGLE PARK OFFICE
PO BOX 3039
RESEARCH TRIANGLE PARK
TELEPHONE 9 9 544 [illegible]
FACSIMILE 9 9 544 2 [illegible]

SOUTHPARK OFFICE
420 CONGRESS [illegible]
CHARLOTTE, NORTH CAROLINA 9[illegible]
TELEPHONE 04 556 [illegible]
FACSIMILE 04 556 [illegible]

February 21, 1992

VIA HAND DELIVERY

Mr. Walter Fields
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 East 4th Street
City/Government Building, 8th Floor
Charlotte, NC 28202

RE: City of Charlotte
Zoning Petition No. 92-4

Dear Walter:

I am writing on behalf of the Petitioner Shady Hills Community Association in the above-referenced zoning petition to request the amendment of this Petition through withdrawal of certain lots from the rezoning. Based on further consideration of the circumstances involved, and testimony presented at the public hearing, the Petitioner has determined that it wishes to amend its rezoning request and eliminate all properties contained in the Petition <u>except for</u> those lots as shown in Map Book 7, Page 363 described as Shady Hills Subdivision Lots 18-26, further described as Tax Parcel 049-252-08, containing 7.4 acres more or less.

A map highlighting the area still subject to rezoning is attached for your convenience. It is our understanding that under Charlotte Zoning Ordinance Provisions, this amendment can be accomplished administratively through notification to the Planning Commission. The Petitioner intends to vigorously pursue its rezoning request for the remaining lots involved. By copy of this letter I am informing all affected landowners of this amendment.

By copies of this correspondence we are advising members of the Zoning Committee of this amendment to our rezoning application.

Thank you for your assistance. Please feel free to call if you have any questions

Very truly yours,

William P. Farthing, Jr.

William P. Farthing, Jr.

WPFjr/sjs
Enclosure

cc: Mr. Leonard McPherson
Zoning Committee Members
C. Daniel and Nancy J. Watts
D. Frank Biggers
Ruby F. Biggers
Lorence F. Helms
Barbara J. Zarins
Dr. Robert and Catherine H. McBride, Jr.
R. Alan Lovette
George C. and Harriett M. Copsis
Douglas R. Broadway
C. Daniel and Nancy J. Watts
Samuel S. Williams
Helen Paris Lamkin
Sam A. and Peggy W. Means
William E. and Vivian L. Harris
David L. and Ruth G. Douglas
Jerry L. and Nanette B. Isenhour
Fred Bryant

PARKER POE ADAMS & BERNSTEIN

WILLIAM P FARTHING JR
PARTNER

RALEIGH
ONE EXCHANGE PLAZA
RALEIGH NORTH CAROLINA
TELEPHONE 919 828
FACSIMILE 919 834

RESEARCH TRIANGLE PARK
919 990 3139
RESEARCH TRIANGLE PARK
TELEPHONE 919 544
FACSIMILE 919 544

SOUTHPARK OFFICE
420 CONGRESS
CHARLOTTE NORTH CAROLINA
TELEPHONE 704 336 9500
FACSIMILE 704 336 9500

February 24, 1992

Mr. Walter Fields
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 East 4th Street
City/Government Building - 8th Floor
Charlotte, NC 28202

RE: Petition 92-4

Dear Walter:

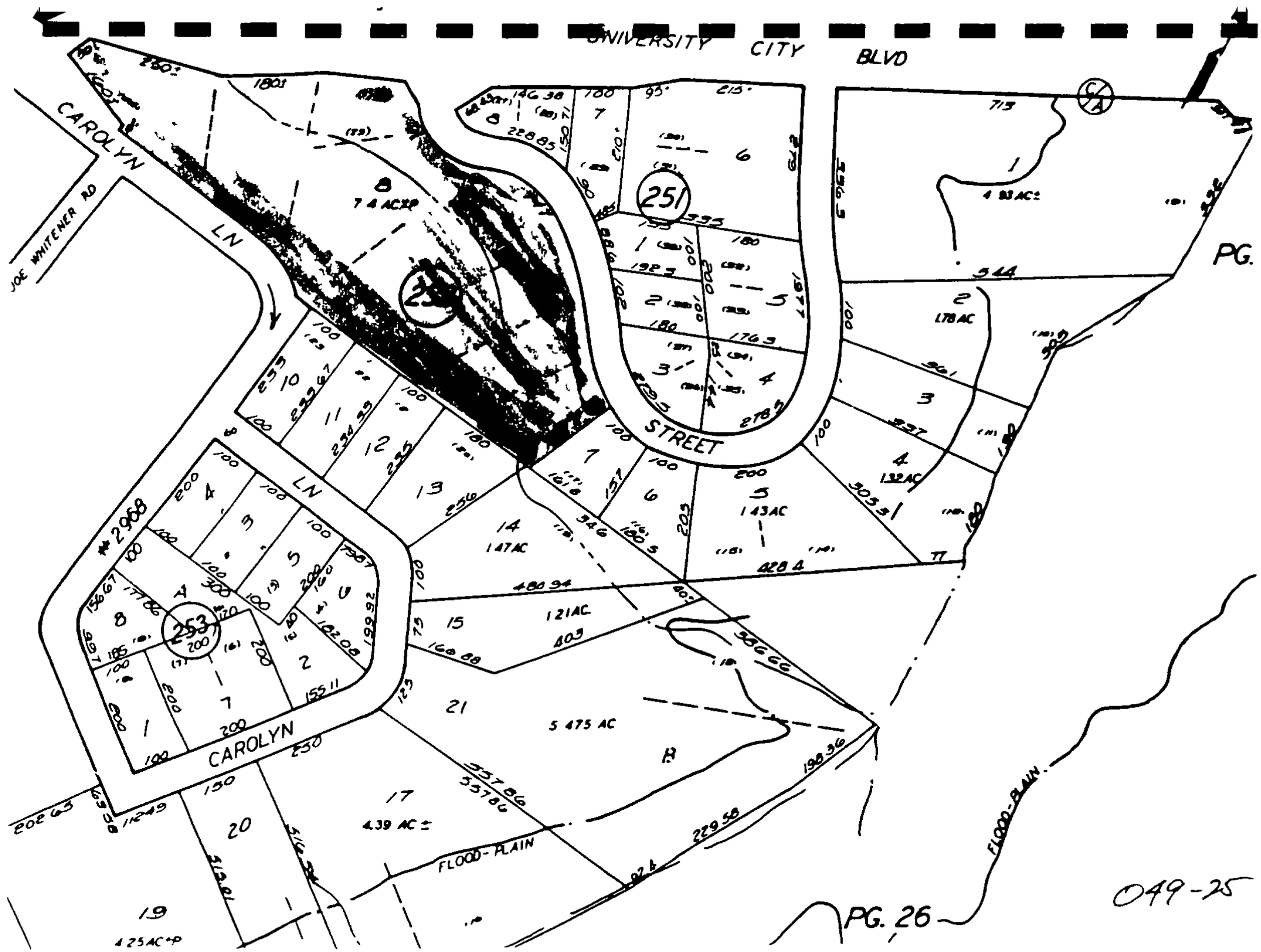
As a follow-up to our telephone call of this morning, you have advised me that the Petitioner cannot at this time amend its rezoning petition to delete any reference to all lots other than lots 18-26, as described in my letter of February 21, 1992, without either a Zoning Committee vote or a deferral.

If the Zoning Committee is also of the opinion that the Petitioner cannot, without further delay, amend our application at this stage to omit reference to such lots, please advise the Zoning Committee that the Petitioner desires <u>not</u> to amend the application as filed, and that we desire the petition to be voted upon without delay, but that we will no longer actively work for the rezoning of any lots other than lots 18-26. We would request that the Zoning Committee separately vote on lots 18-26 (Tax Parcel 049-252-08) if it desires to vote on all lots addressed in the Petition.

Very truly yours,

William P. Farthing, Jr.

WPFjr/sjs


UNIVERSITY CITY BLVD
CAROLYN LN
JOE WHITENER RD
CAROLYN LN
CAROLYN
STREET
FLOOD-PLAIN
FLOOD-PLAIN
PG.
PG. 26
049-25

DATE	February 24, 1992
PETITION NO.	92-6
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan)
REQUEST	Change from R-20MF to R-4
LOCATION	Approximately 71 acres located west of Nations Ford Road at Regency Executive Park Drive.
ACTION:	The Zoning Committee recommends that this petition be approved.

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

Nays: None.

REASONS

This petition proposes rezoning from the R-20MF zoning approved in 1972 and amended in 1984 to R-4 in accordance with the Southwest District Plan. The subject property is vacant and the surrounding land use is predominantly vacant with single family to the southeast and offices to the east across Nations Ford Road. The Zoning Committee viewed the petition as appropriate for the area and recommend its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 92-6 HEARING DATE February 17, 1992

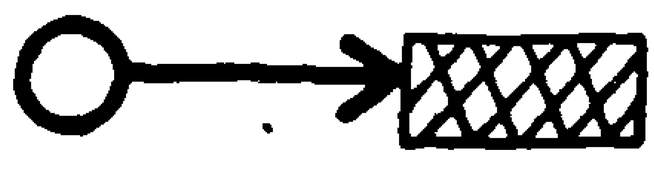
ZONING CLASSIFICATION, EXISTING R-20MF

ZONING CLASSIFICATION, REQUESTED R-4 (formerly R-9)

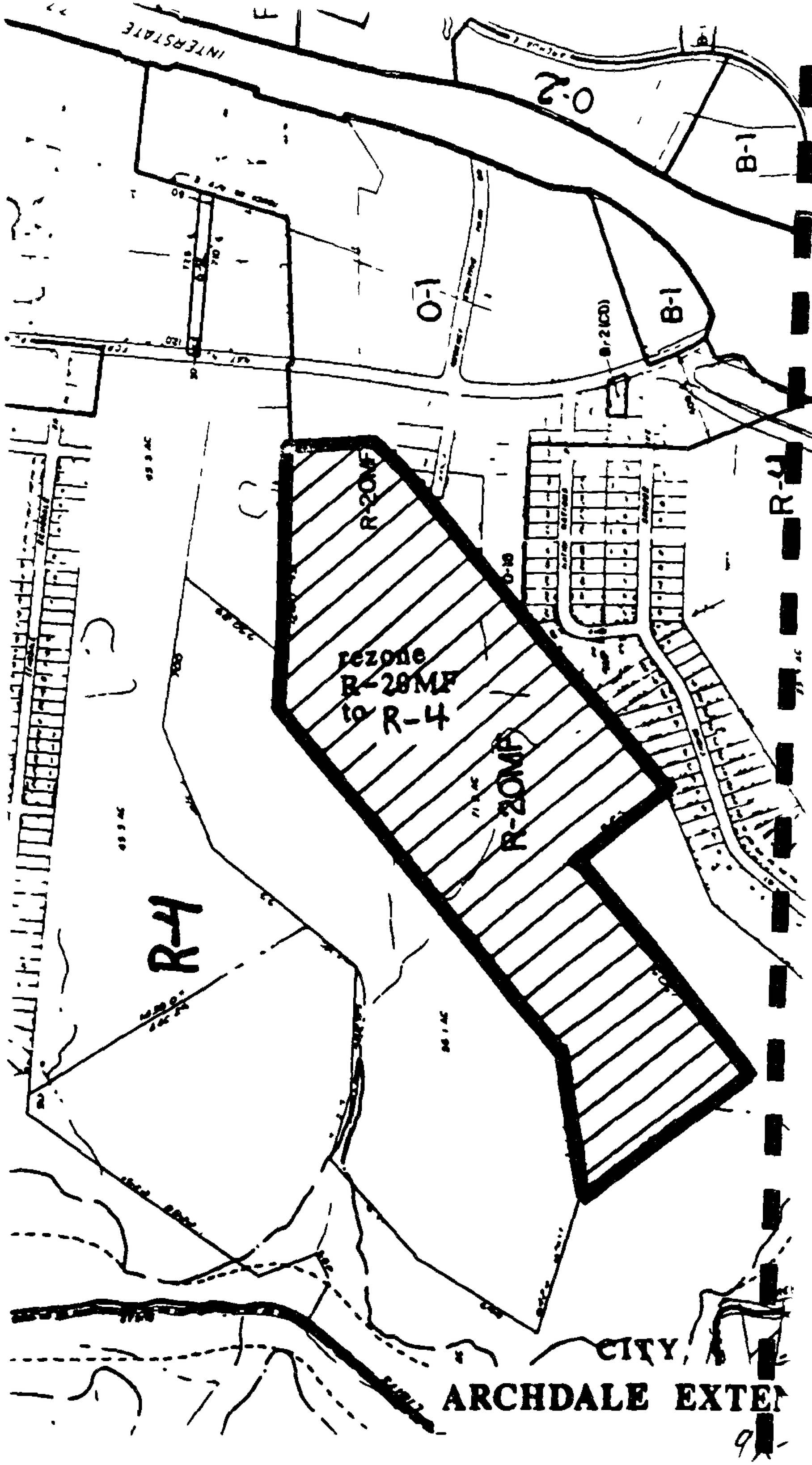
LOCATION. Approximately 71 acres located west of Nations Ford Road at Regency Executive Park Drive.

SEE ATTACHED MAP

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



PROPERTY PROPOSED FOR CHANGE


INTERSTATE
O-2
B-1
O-1
B-1
R-20MF
R-20MF
rezone
R-28MF
to R-4
R-4
R-4
CITY
ARCHDALE EXTEN

92-6

DATE·	February 24, 1992
PETITION NO..	92-7
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from B-2 to B-1 and R-4.
LOCATION	Approximately 6.14 acres located on the west side of Nations Ford Road at Glenrock Drive and Echodale Drive
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE. Yeas:	Byrne, Fenning, Heard, Lassiter, McClure, and Spencer.
Nays:	None.

REASONS

This petition proposes rezoning from B-2 to B-1 and R-4 in accordance with the Southwest District Plan. The petitioned site includes vacant land, a church, and small commercial establishments. Adjacent properties are vacant or developed with single family uses. The district plan proposes rezoning of the commercial properties to B-1 to prevent intensification and rezoning of vacant sites and the church to R-4 to promote further residential development. The Zoning Committee viewed the petition as appropriate for the area and recommends its approval.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO. 92-7 HEARING DATE February 17 1992

ZONING CLASSIFICATION, EXISTING B-2

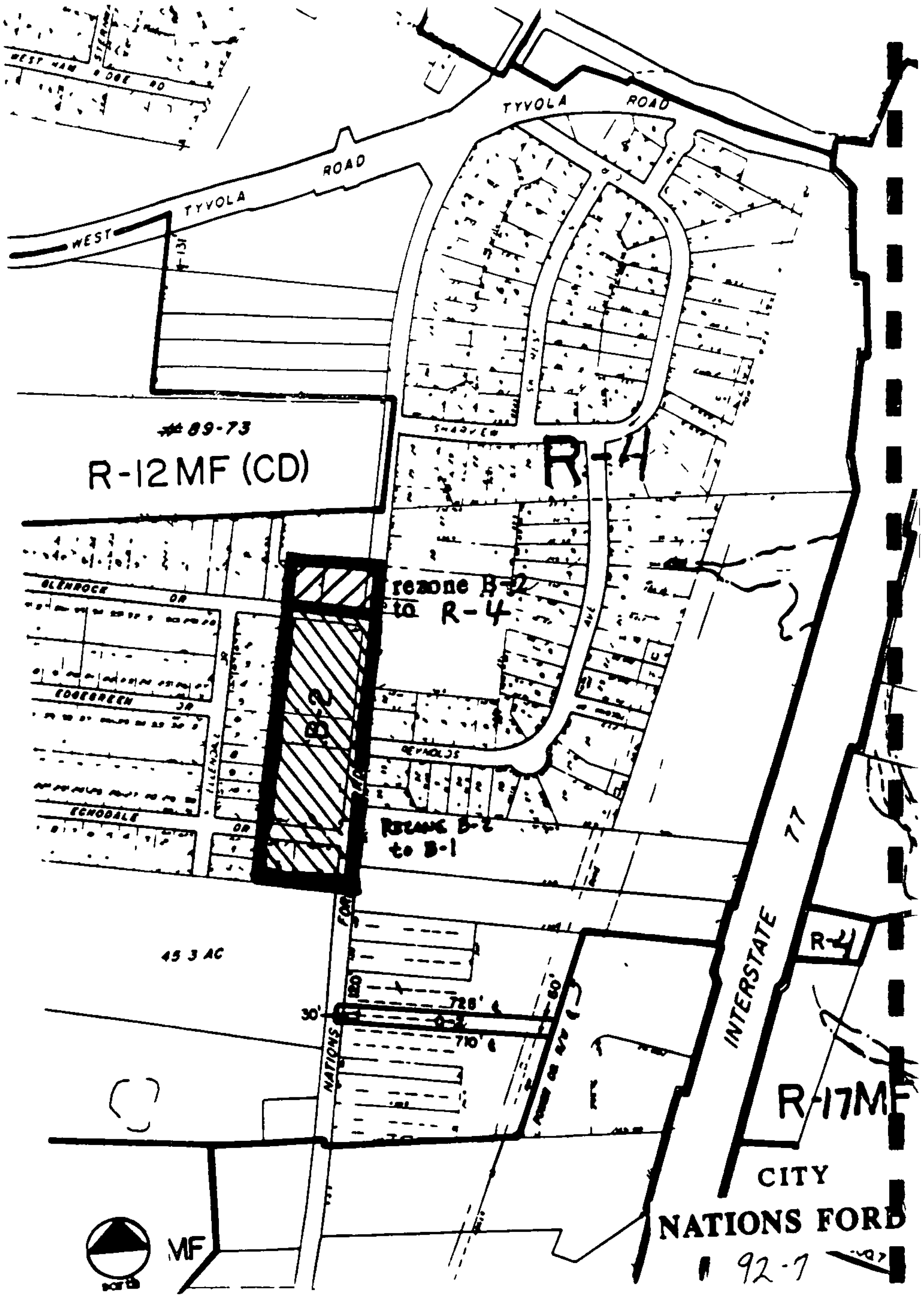
ZONING CLASSIFICATION, REQUESTED B-1 & R-4 (formerly R-9)

LOCATION Approximately 6.14 acres located on the west side of Nations Ford Road at Echodale and Glenrock Drive

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


WEST HAM DOE RD
TYVOLA ROAD
WEST TYVOLA ROAD
131'
#89-73
R-12MF (CD)
R-4
rezone B-2 to R-4
GLENROCK DR
EDGEGREEN DR
ECHODALE DR
REYNOLDS
B-2
REZONE B-2 to B-1
45.3 AC
NATIONS FORD RD
30'
728'
710'
80'
INTERSTATE
R-4
R-17MF
CITY
NATIONS FORD
MF
92-7

DATE	February 24, 1992
PETITION NO.	92-8
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from R-17MF to R-4.
LOCATION	Approximately 28.30 acres located on the west side of Nations Ford Road between Yorkmont Road and West Tyvola Road.
ACTION:	The Zoning Committee recommends that this petition be approved.

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

Nays: None.

(Commissioner Byrne not present when vote was taken.)

REASONS

This petition seeks rezoning from multi-family to single family residential in accordance with the Southwest District Plan. These properties contain single family residences, a church, a lot used for utility purposes, one duplex and a group home. Surrounding uses are predominantly single family homes with one multi-family project. Vacant land and a religious/educational facility are across Nations Ford Road to the east. The Southwest District Plan proposes to recognize existing single family uses on part of this site and to prevent additional multi-family uses on vacant land in a predominantly single family area. 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 the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 92-8 HEARING DATE February 17, 1992

ZONING CLASSIFICATION, EXISTING R-17MF (formerly R-9MF)

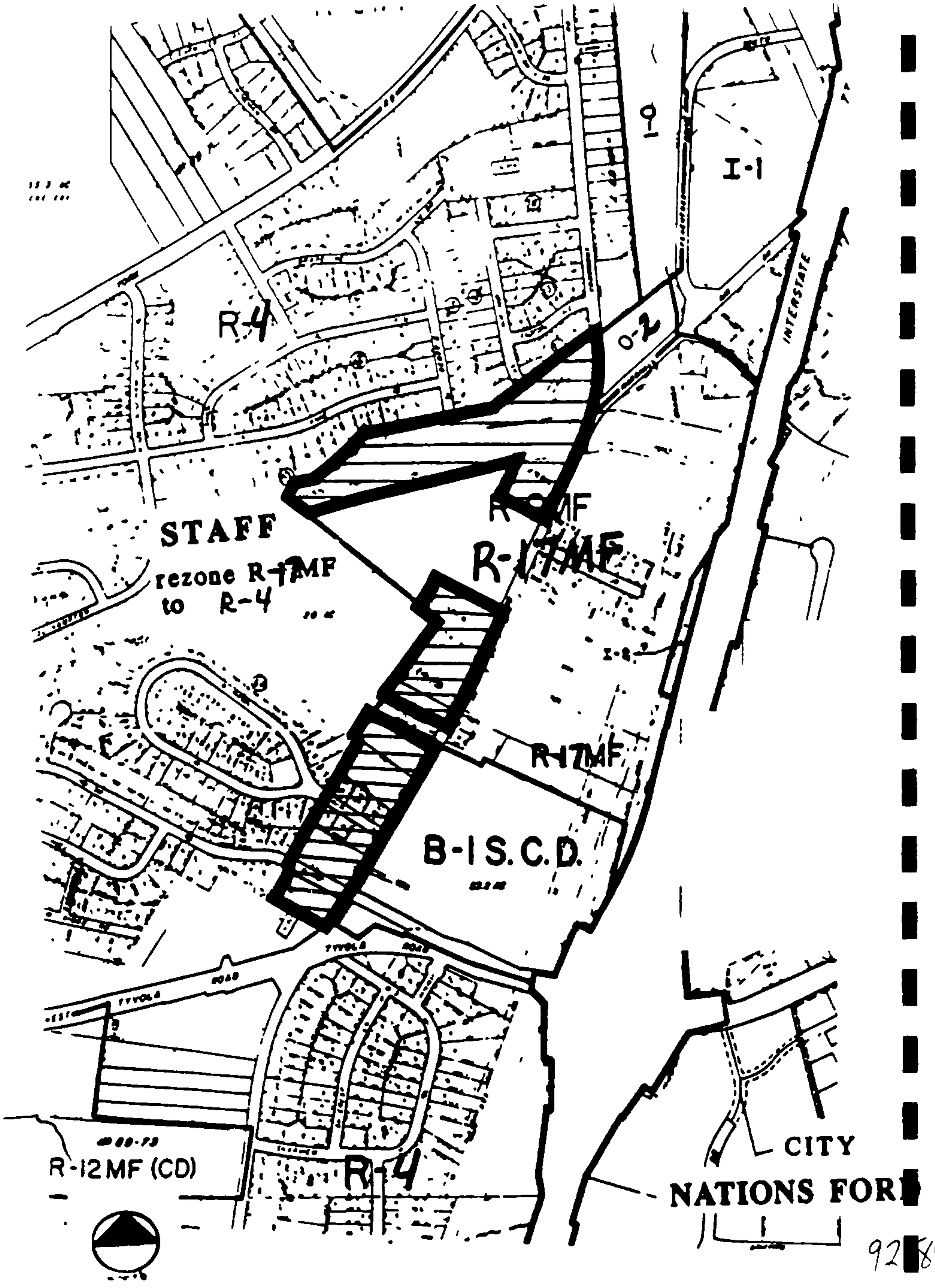
ZONING CLASSIFICATION, REQUESTED R-4 (formerly R-9)

LOCATION Approximately 28 3 acres located along the westerly side of Nations Ford Road between Yorkmont and West Tyvola Road

SEE ATTACHED MAP

ZONING MAP NO(s).: 126 & 134 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


O-1
I-1
R-4
O-2
INTERSTATE
STAFF
rezone R-17MF
to R-4
R-17MF
R-17MF
R-17MF
B-1 S.C.D.
R-12MF (CD)
R-4
CITY
NATIONS FOR

DATE	February 24, 1992
PETITION NO.	92-9
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from R-17MF to R-4.
LOCATION	Approximately 75.86 acres located off the northwesterly side of Nations Ford Road south of Arrowood Road.
ACTION:	The Zoning Committee recommends that this petition be approved.

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

Nays: None.

(Commissioner Byrne not present when vote was taken.)

REASONS

This petition seeks rezoning from multi-family to single family residential in accordance with the Southwest District Plan. The area is developed with single family homes. There is a business park to the west, single family development to the north and southwest, and a quarry to the southeast. The vacant land to the east is the subject of another district plan rezoning to Institutional. The Southwest District Plan recognizes that this site is developed with single family and rezoning to R-4 will preserve the single family character of the neighborhood. Therefore, the Zoning Committee recommends approval of the petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 92-9 HEARING DATE February 17, 1992

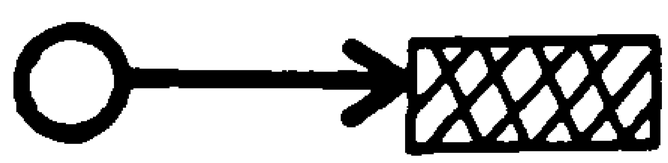
ZONING CLASSIFICATION, EXISTING R-17MF (formerly R-9MF)

ZONING CLASSIFICATION, REQUESTED R-4 (formerly R-9)

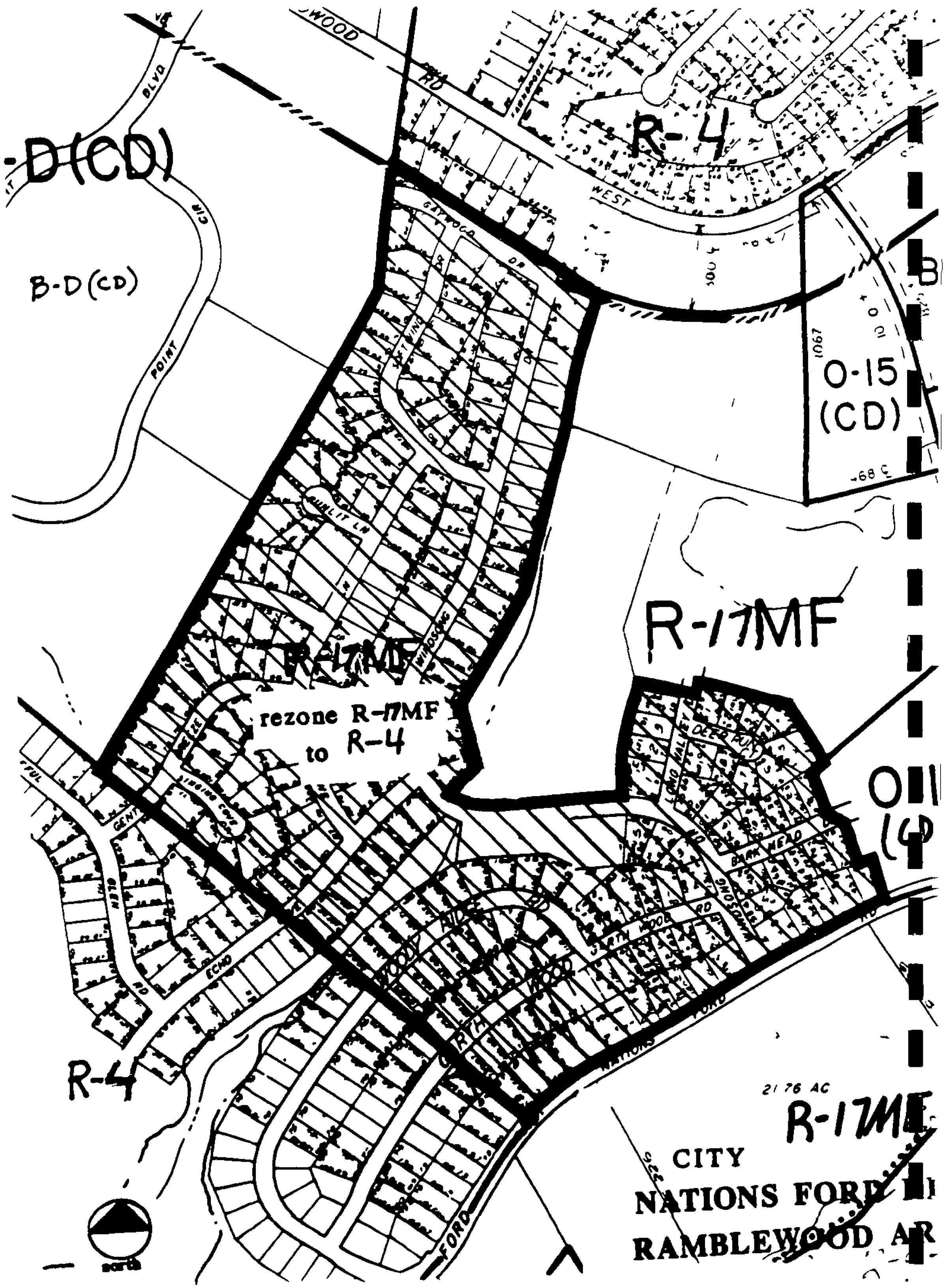
LOCATION Approximately 75.86 acres located off Nations Ford Road, south of Arrowood Road in the Ramblewood area

SEE ATTACHED MAP

ZONING MAP NO(s).: 148 & 149 SCALE 1" = 400'



PROPERTY PROPOSED FOR CHANGE


B-D(CD)
R-4
WEST
B-D(CD)
POINT
O-15
(CD)
R-17MF
R-17MF
rezone R-17MF
to R-4
R-4
21.76 AC
R-17MF
CITY
NATIONS FORD
RAMBLEWOOD
FORD
NATIONS
FORD
North

DATE.	February 24, 1992
PETITION NO.	92-10
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from R-17MF to R-4.
LOCATION	Approximately 6 acres located west of Nations Ford Road north of Arrowood Road.
ACTION	The Zoning Committee recommends that this petition be approved.
VOTE: Yeas	Fenning, Heard, Lassiter, McClure, and Spencer.
Nays.	None.
	(Commissioner Byrne not present when vote was taken.)

REASONS

This petition proposes rezoning from multi-family to single family residential in accordance with the Southwest District Plan. The property is developed with single family uses. Single family homes are located north and west of the site with multi-family to the east and a shopping center to the south. This petition recognizes that the petitioned site is developed with single family homes. Implementation of the rezoning would bring the zoning into conformance with the existing land use and help preserve the character of the single family neighborhood. Therefore, Zoning Committee recommends approval of the request.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 92-10 HEARING DATE February 17, 1992

ZONING CLASSIFICATION, EXISTING R-17MF (formerly R-9MF)

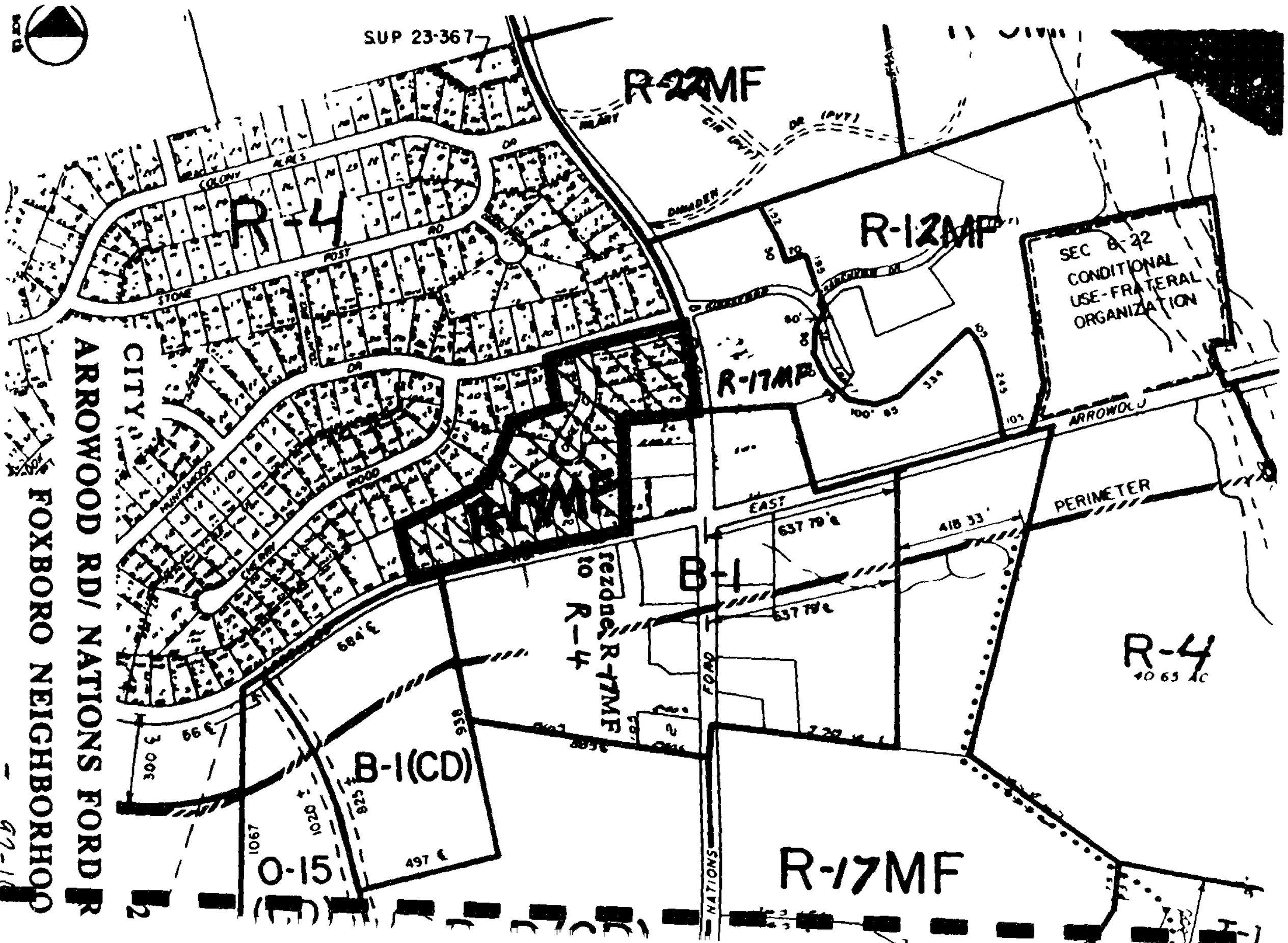
ZONING CLASSIFICATION, REQUESTED R-4 (formerly R-9)

LOCATION Approximately 6 0 acres located west of Nations Ford Road, north of Arrowo Road, and south of Huntsmoore Drive

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE


SUP 23-367
R-22MF
R-12MF
R-4
R-17MF
SEC 8-22
CONDITIONAL
USE-FRATERAL
ORGANIZATION
ARROWOOD
PERIMETER
EAST
FORD
NATIONS
B-1
rezoned R-17MF to R-4
B-1(CD)
O-15
R-17MF
R-4
10.65 AC
637.79'
418.33'
684'
497'
1067
1020'
825'
300'
ARROWOOD RD/ NATIONS FORD
FOXBORO NEIGHBORHOOD

92-16

DATE	February 24, 1992
PETITION NO.	92-11
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from O-1 to R-17MF and R-4.
LOCATION	Approximately 165 acres located south of Archdale Drive between I-77 and Old Pineville Road.
ACTION	A motion to approve R-17MF for the entire petitioned site resulted in a 3-3 vote. Therefore, the petition will be deferred to Zoning Committee's March 23 work session for reconsideration.

VOTE. Yeas: Fenning, Lassiter, and Spencer.

Nays: Byrne, Heard, and McClure.

REASONS

This petition proposes rezoning from office to a combination of multi-family and single family. The portion of the petition proposed for multi-family zoning is either vacant or developed with multi-family uses. The portion of the petition proposed for single family zoning is vacant. Several Zoning Committee members viewed the petitioned site including that portion proposed for single family as very suitable for multi-family development due to its proximity to employment opportunities and future light rail. Other members viewed the petition as originally submitted as appropriate due to the glut of multi-family in the general area. Subsequent to extensive discussion regarding the district plan process, traffic patterns in the area and future potential access of properties now undeveloped, a motion to approve R-17MF for the entire site resulted in a 3-3 vote.

DATE	February 24, 1992
PETITION NO.	92-12
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan).
REQUEST	Change from O-2 to R-4.
LOCATION	Approximately 11 acres located on the westerly side of N.C. 49 north of Tyvola Road.
ACTION:	The Zoning Committee recommends that this petition be approved.
VOTE. Yeas:	Fenning, Heard, Lassiter, McClure, and Spencer.
Nays:	None.
	(Commissioner Byrne not present when vote was taken.)

REASONS

This petition proposes rezoning from office to single family in accordance with the Southwest District Plan. This site contains a parking lot for the Renaissance Park tennis facility and vacant land. Renaissance Park is on the west and north, a cemetery is on the east, and single family homes and vacant land are to the south. The Southwest District Plan proposes that this City property be rezoned to R-4 to be consistent with adjacent areas of Renaissance Park. The Zoning Committee viewed the petition as appropriate and recommends its approval.

STAFF OPINION

The staff with the recommendation of the Zoning Committee.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 92-12 HEARING DATE February 17, 1992

ZONING CLASSIFICATION, EXISTING: O-2 (formerly O-6)

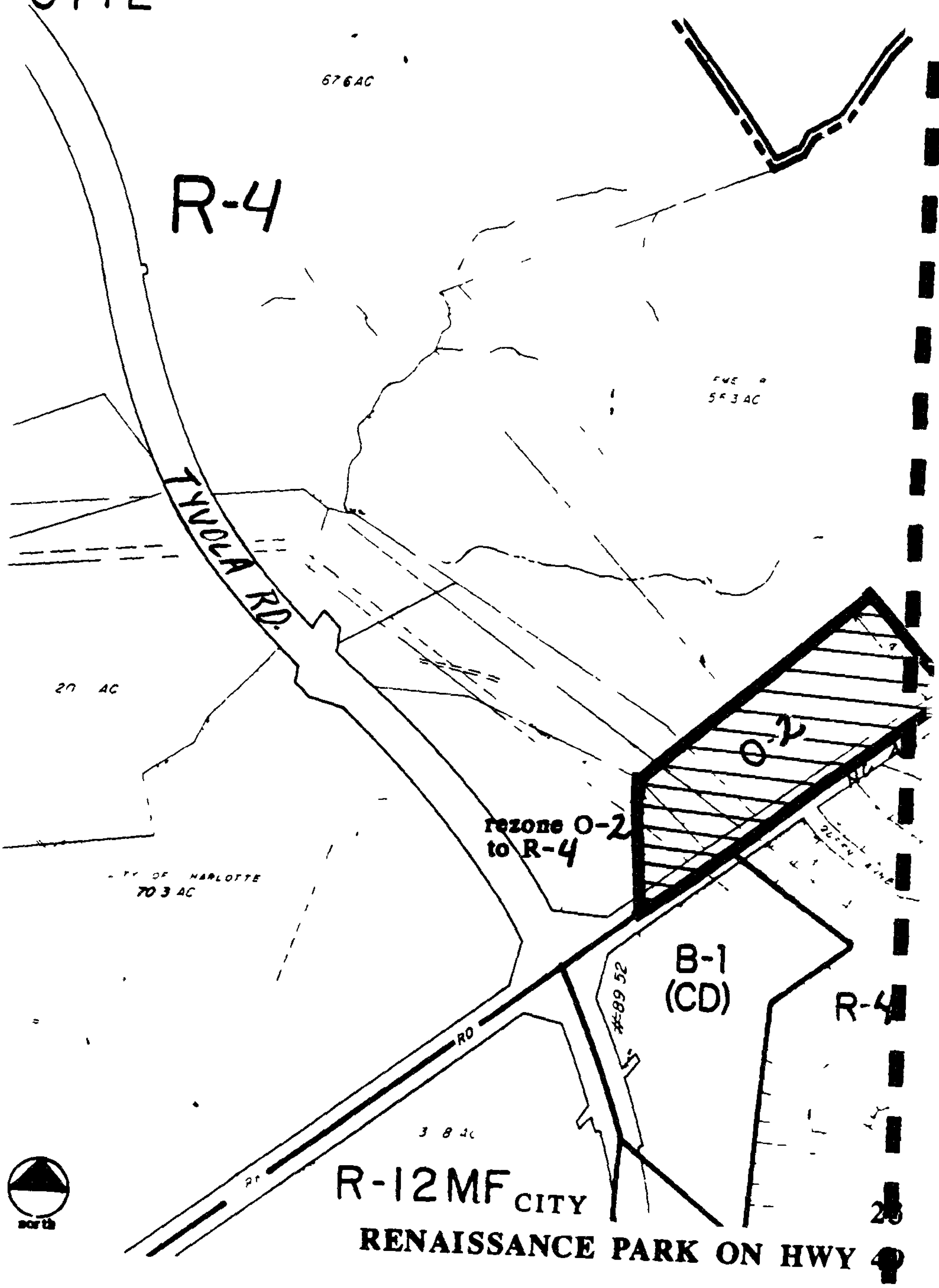
ZONING CLASSIFICATION, REQUESTED R-4 (formerly R-9)

LOCATION Approximately 11.0 acres located on the westerly side of York Road (N C. 49), north of Tyvola Road.

SEE ATTACHED MAP

ZONING MAP NO(s).: 127 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-4
TYVOLA RD.
rezone O-2
to R-4
O-2
B-1
(CD)
R-4
R-12MF CITY
RENAISSANCE PARK ON HWY 49
north

DATE	February 24, 1992
PETITION NO.	92-13
PETITIONER(S)	Charlotte-Mecklenburg Planning Commission (Southwest District Plan)
REQUEST	Change from B-D(CD), B-1(CD), O-15(CD), and R-17MF to Institutional and R-12MF.
LOCATION:	Approximately 78 acres located west of Nations Ford Road south of Arrowood Road West.
ACTION:	The Zoning Committee recommends the following actions with respect to this petition·

1. Approval of the portion of the petition seeking rezoning from O-15(CD), B-D(CD), and R-17MF to Institutional.

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

Nays: None.

(Commissioner Byrne not present when vote was taken.)

2. Denial of the portion of the petition seeking rezoning from B-1(CD) to R-12MF

VOTE: Yeas: Fenning, Heard, Lassiter, and McClure.

Nays: Spencer.

(Commissioner Byrne not present when vote was taken.)

3. Denial of the portion of the petition seeking rezoning from B-D(CD) to R-12MF.

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

Nays: None.

(Commissioner Byrne not present when vote was taken.)

REASONS

This petition seeks rezoning from a combination of conditional districts and multi-family residential to Institutional and R-12MF in accordance with the Southwest District Plan. The petitioned properties are presently undeveloped. The Zoning Committee viewed the portion of the petition involving the proposed CPCC Satellite Campus as appropriate for approval. However, the balance of the petition raised a number of concerns.

B-1(CD) Site

The site currently zoned B-1(CD) was viewed by the majority of Zoning Committee as inappropriate for rezoning to residential in that the site previously went through the rezoning process and the property owner has fulfilled his commitment involving Hebron Street Extension. The majority opinion noted that the market should decide the ultimate land use of the subject property.

MINORITY OPINION

The minority opinion viewed the subject property as ideal for future multi-family development due to its proximity to the future college campus and transit opportunities.

B-D(CD) Property

Zoning Committee viewed the portion of the petition seeking rezoning from B-D(CD) to R-12MF as inappropriate for approval for similar reasons expressed on the B-1(CD) property. It was viewed as more appropriate to let the market dictate the future land use.

An administrative site plan revision will resolve any outstanding issues associated with the retention of the B-1(CD) and B-D(CD) zoning classifications.

STAFF OPINION

The staff agrees with the recommendation of Zoning Committee with respect to the CPCC site. Staff notes with respect to the balance of the petition that commercial zoning on these sites is not necessary in order to accommodate the neighborhood center proposed by the district plan and the multi-family zoning proposed by the district plan promotes a mixture of uses in the general area. In addition, the original concept for the petitioned property which involved a business/office park with accompanying commercial services has been drastically altered by the CPCC acquisition.

PETITIONER Charlotte-Mecklenburg Planning Commission

PETITION NO 92-13 HEARING DATE· February 17, 1992

ZONING CLASS., EXISTING. B-D(CD), B-1(CD), O-15(CD), R-17MF (formerly R-9MF)

ZONING CLASSIFICATION, REQUESTED Institutional & R-12MF (formerly R-15MF)

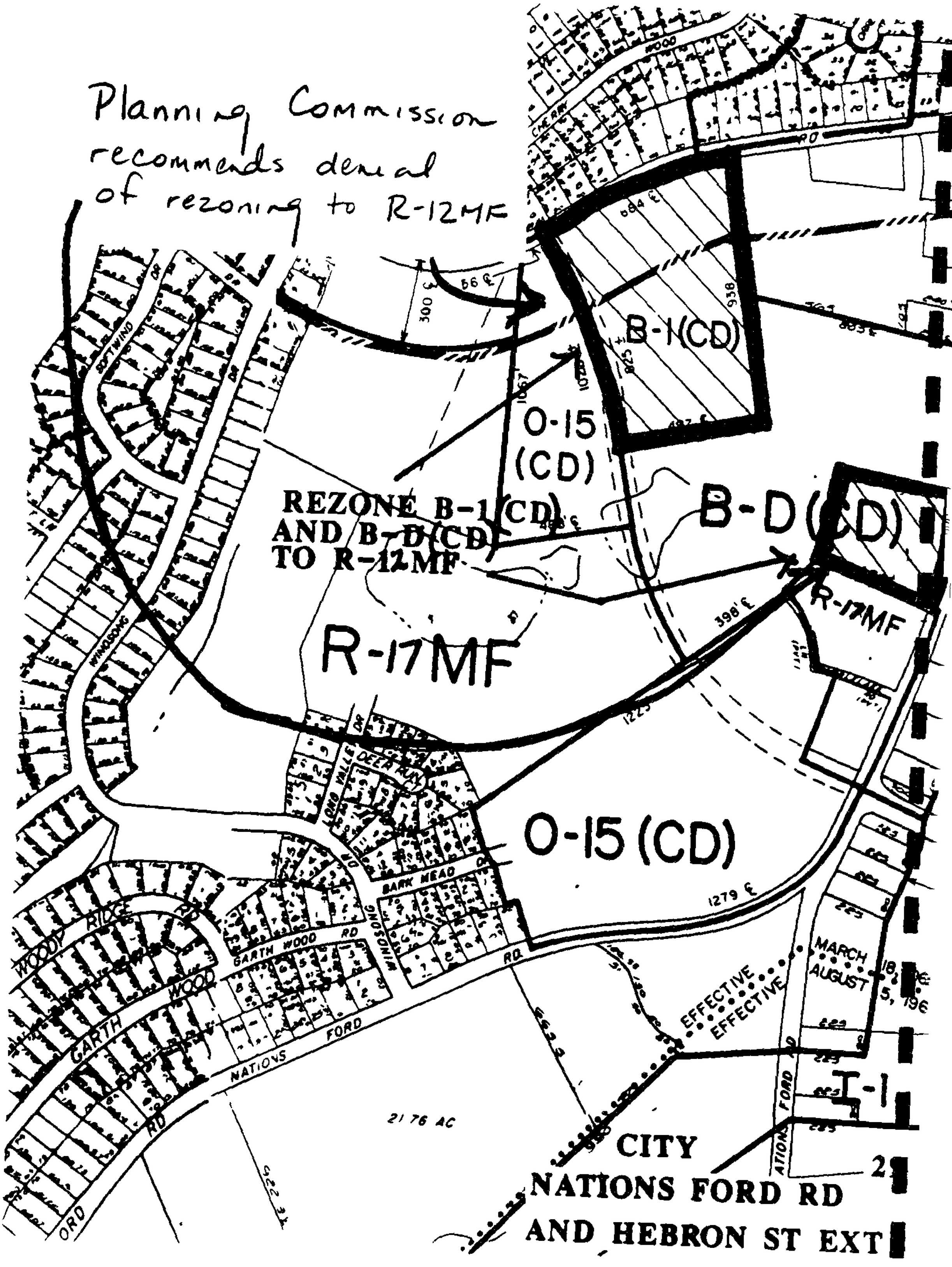
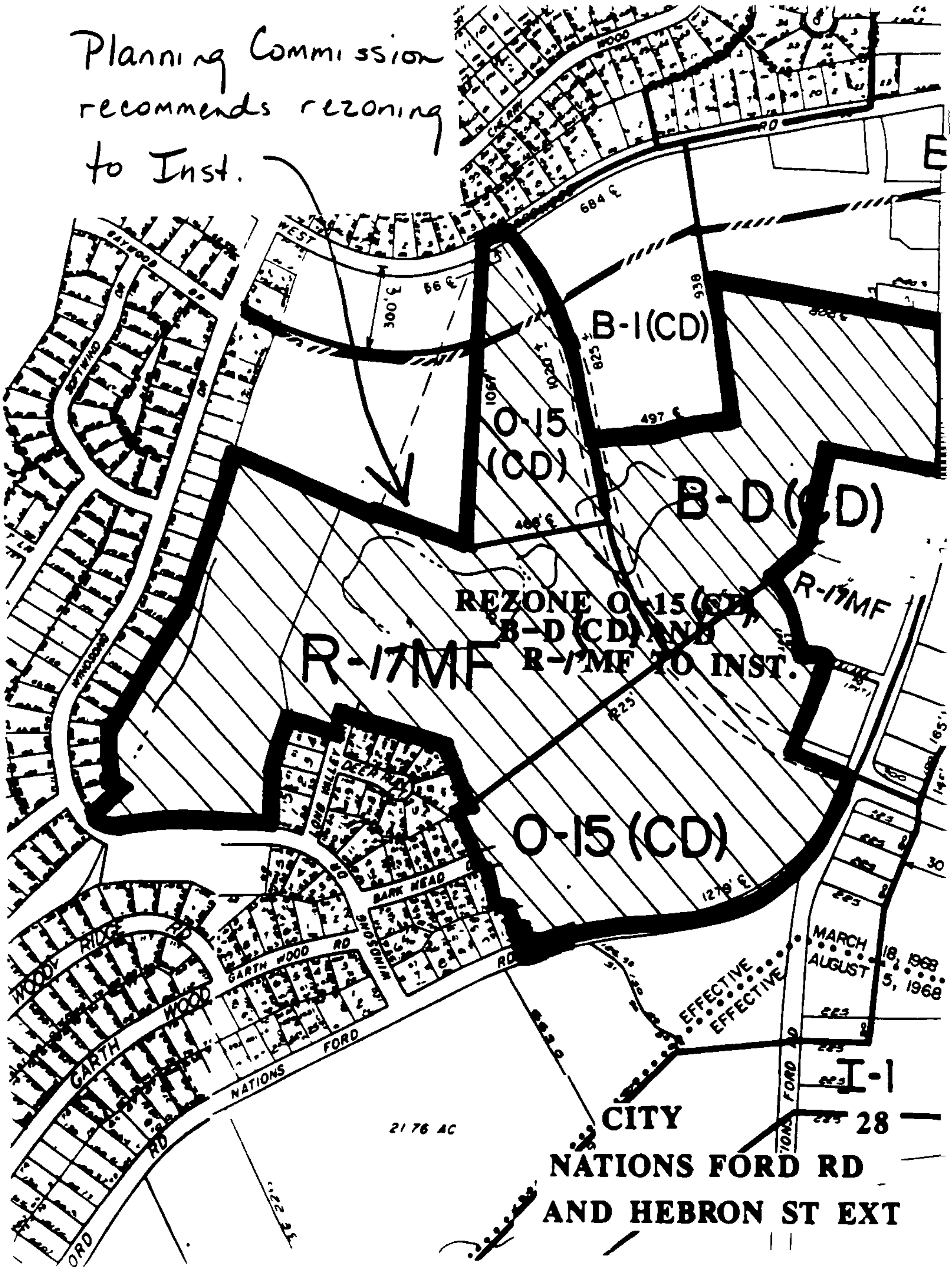
LOCATION Approximately 78 acres located west of Nations Ford Road, south of Arrowoo Road West

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

Planning Commission recommends denial of rezoning to R-12MF



Planning Commission recommends rezoning to Inst.