AGENDA

Meeting Type:	B
Date:	05-18-1992
SUBJECT	

City of Charlotte, City Clerk's Office

ZONING MEETING 5/18/92

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

6:00

Vinroot

Scarborough - Invocation

Vinroot

Ann McClure Thurs 5/21

Vinroot

#1 Charlotte Coliseum (old)

Hammond / Campbell Continue 30 days

Subst. Scarborough / Reid - Deny continuance

VOTE - 6-4 No Hold hearing tonight

Hammond
Mangum
Vinroot
Martin
VOTE

No - Hammond, Martin
Wheeler, Clodfelter

Scarborough / Martin Close Hearing
Clodfelter No - Clodfelter

Vinroot
Hammond
Underhill
Hammond
Underhill
Vinroot
Majeed / Wheeler Improper Vote Reconsider
Mangum
Vinroot
Mangum
Scarborough
Vinroot
Clodfelter
McCrory / Mangum Deny Designation
Mangum
Clodfelter
McCrory
Hammond / Wheeler Defer 60 days

YES - 5 - Hammond, Wheeler, Majeed, Clodfelter, Martin
Failed

Mangum
Mafield
Scarborough
Hammond - Defer Amend 30 days to
Scarborough June Zoning
Decision
McCrory
Martin
VOTE - No Reid, McCrory
Mangum

Hammond
Scarborough
#10 Hammond/Mangum 92-1
60 days - Unan.

#11 Hammond/Martin 92-5 30 days
McClure
more info on traffic
impact Unan.

#13 92-18 - Hammond/Clodfelter
Wheeler
McClure up to 4 months
Martin
Hammond
#17 92-22 30 days
Hammond/Wheeler
Unan.

Hammond
Scarborough

Wheeler
Vinroot
#12 92-11 & #18 92-23
Campbell / Wheeler defer
30 days
Vinroot
Majed
Vinroot
Majed
Scarborough
Clodfelter
Vote - Unan.
Vinroot
McCrory
Vinroot
#2 Fields #92-24
Underhill
Vinroot
Robert Mellroy
Labor
Roger Shaffer
Mangum
Fields
Clodfelter
Mangum
Fields
Martin

Fields
Martin
Fields
Tabor
Cox
Hammond / Wheeler Close Hrng
Tenan.

#3 92-25
Fields
Clod
Fields
Fred Bryant - For
Vinroot
Bryant
Wheeler / Scarborough Close Hrng.
Tenan.

#4 92-26
Vinroot
Fields
Joe Griffin
Scarle
Vin
Mangum / Wheeler Close Hrng
Tenan

#5 - 92-27

Vinroot
Fields
Vinroot
Mahlon Adams
Ben Barry
J. Wheeler
Barry
Mangum
Barry
Mangum
Barry
Mangum
McClure
Barry
Jack Byrne
Fields
Vinroot
Barry
Juanita Henshaw - against
Martin
Henshaw 3119 Park Rd.
Mahlon Adams
Barry
Vinroot

Hammond / Wheeler - Case
Tenn.

#6 - 92-29
Mangum / Wheeler Case Hung
Tenn.

#7 92-30
Vinroot
Fields
Vinroot
Mangum
Vinroot
Fields
Vinroot
Avery Kirkpatrick
Scarborough
Jones Campbell
George Wallace
John Tabor
Fields
Martin
Clodfelter
Martin
Clodfelter

Scarborough
Clodfelter
Scarborough
Clodfelter
Scarborough
Vinrod
Hammond
Fields
Hammond
Clodfelter
Fields Zoning reduces lot size
Hammond
Fields
Clodfelter
Fields
Scarborough
Fields
Scarborough
John Tabor
~~Scarborough / Wheeler~~
Sara Spencer
Fields
Hammond / Wheeler - Close Hrng.

#8 12-21
Vinroot
Fields
Vinroot
Morgan / Martin Close Hearing
Unan.

#9- 91-76
Wheeler / Hammond Approve
No- Cloud Letter

#14
Morgan / Wheeler Approve
Unan.

#15 Morgan / Wheeler Aff
Unan

#16 - Morgan / Wheeler Aff
Unan.

#19 Morgan / Scarborough App
Aff - Unan.

Martin / Executive Session - complaint
Hammond attorney's Evaluation

Martin / Maryann

Adjourn
7:15

MAYOR'S SCHEDULE
May 18, 1992

6:00 p.m. - Zoning Meeting

1. Invocation by Rev. Gary Berry, Liberty Baptist Church

2. Announcements

Tuesday, May 19,	5:00 p.m.	City Council/CIP Budget Workshop - Room CH-14
Tuesday, May 19,	7:00 p.m.	City Council/Budget Public Hearing - Meeting Chamber
Thursday, May 21,	5:00 p.m.	City Council/Budget, Final Decision - CH-14

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

A) Agenda Item No. 2 - Hearing on Petition No. 92-24

~~(1) Martha Miller,~~ 9915 Lottie Lane - 548-9339 - FOR
2 Roger Schaffer, FOR
~~(2) Anita~~ Hart, 401 Tasse Place - 547-9182 - FOR

1 ~~(3)~~ Robert Mellbye, 9800 Alexander Glen Drive - 549-4258 - FOR
#3 Fred Bryant - For

B) Agenda Item No. 4 - Hearing on Petition No. 92-26

(1) Joe Griffin, 907 Cameron Brown Building - 333-1175 - FOR

C) Agenda Item No. 7 - Hearing on Petition No. 92-30

(1) Avery Kirkpatrick, 2727 Monroe Road - 333-8227 - AGAINST

(2) Jonas Campbell, 431 Orange Street - 333-8227 - AGAINST

(3) George Wallace, 201 Fannie Circle - 375-5812 - AGAINST

#5 - 92-27
Ben Barry - For
Juanita Henshaw - against

CHARLOTTE

Meetings in May '92

THE WEEK OF MAY 3 - 8

3, Sunday
5 30 p m — **CHARLOTTE ADVISORY PARKS COMMITTEE** - Freedom Park, Main Shelter (#8)

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

5 00 p m — **CITY COUNCIL/Budget Presentation** - CMGC, Meeting Chamber (Televised Live on Cable Channel 32)

5, Tuesday
4 00 p m — **CITY COUNCIL COMMUNICATIONS COMMITTEE** - CMGC, Public Service and Information Department Conference Room

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

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

7 30 p m — **WATERSHED SUMMIT** - Unitarian Church, 234 N Sharon Amity

7, Thursday
2 00 p m — **ADVISORY ENERGY COMMISSION** - CMGC, 7th Floor Conference Room

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

8, Friday
12 00 Noon — **COMMUNITY RELATIONS COMMITTEE/Town Meeting on Cultural Diversity in Education** - Central Piedmont Community College, Taylor Hall, Room 100

11, Monday - 13, Wednesday — **CHAMBER INTERCITY VISIT** - Toronto, Canada

THE WEEK OF MAY 11 - 15

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

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

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

12 00 noon — **COMMUNITY RELATIONS COMMITTEE/Police Community Relations Awards Program** - CMGC, Plaza Area (Rain Location CMGC, Meeting Chamber)

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

6 00 p m — **YOUTH INVOLVEMENT COUNCIL** - CMGC, Conference Center

14, Thursday
8 00 a m — **AIRPORT ADVISORY COMMITTEE** - Charlotte/Douglas International Airport, Conference Room A

3 30 p m — **CITY COUNCIL PLANNING COMMITTEE** - CMGC, Meeting Chamber Conference Room

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

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

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

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

(CONTINUED ON BACK)

THE WEEK OF MAY 18 - 22

18, 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

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

19, Tuesday

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

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

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

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

6 00 p m **CHARLOTTE ADVISORY PARKS COMMITTEE** - CMGC, Room 118

7 00 p m **CITY COUNCIL/Budget Public Hearing** - CMGC, Meeting Chamber (Televised live on Cable Channel 32)

20, Wednesday

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

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

5 00 p m **YOUTH INVOLVEMENT COUNCIL/Youth in Excellence Banquet** - CMGC, Conference Center

7 00 p m **METROPOLITAN PLANNING ORGANIZATION** - CMGC, Meeting Chamber

21, Thursday

8 00 a m **QUARTERLY MEETING OF ELECTED OFFICIALS (Charlotte City Council, Mecklenburg Board of County Commissioners, Small Town Mayors, Charlotte-Mecklenburg School Board, Charlotte-Mecklenburg Legislative Delegation)** - Charlotte Chamber, 129 W Trade Street

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

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

5 00 p m **CITY COUNCIL/Budget, Final Decisions** - CMGC, Meeting Chamber Conference Room

7 00 p m **CHARLOTTE TREE ADVISORY COMMISSION** - CMGC, Conference Center

THE WEEK OF MAY 25 - 29

25, Monday

MEMORIAL DAY HOLIDAY - All City Government Offices Closed

26, Tuesday

1 00 p m **ZONING BOARD OF ADJUSTMENT** - Hal Marshall Center, Building Standards Training Room

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

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

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

27, Wednesday

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

28, Thursday

4 30 p m **CHARLOTTE TRANSIT ADVISORY COMMITTEE** - CMGC, Room 118

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

5 00 p m **CITY COUNCIL/Budget, Final Decisions (Optional)** - CMGC, Meeting Chamber Conference Room

-30-

These organizations will not meet in May:
Firefighters Retirement Board
Insurance and Risk Management
Parade Permit Committee

CHARLOTTE

Mayor Richard Vinroot | *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Monday, May 18, 1992

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

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

Invocation by Rev. Gary Berry, Liberty Baptist 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.

   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 1965 to provide the first single-purpose sports facility in the area.

   2) The construction of Ovens Auditorium, also completed in 1965, provided the optimum facility for seating 2,500 people for theatrical productions.

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

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

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

Personal/Campbell
Continue 30 days
Subst. Scarborough/Reid
Deny Continuance & Hear Tonight
Carried 6-4
No: Hammond, Martin, Wheeler, Clodfelter

Discussion
Close Hearing
No action
Motion/Wheeler
Carried 6-3
McCoy, Mansfield
Deny Designation
Substitute Motion/Wheeler
Defer Decision
30 days
Carried 6-3
No Reed, McCoy, Mansfield

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

Motion/Wheeler
Close Hearing
Unan.

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

This hearing was continued from the April 20 meeting.

Attachment No. 2

3. (92-25) Hearing on Petition No. 92-25 by McDonald's Corporation for a Text Amendment to change the minimum required off-street parking for restaurants.

Wheeler/Scarborough
Close Hearing
Unan

Attachment No. 3

4. (92-26) Hearing on Petition No. 92-26 by Sharon Lakes Properties for a change in zoning from O-1 to B-1(CD) for approximately 2.36 acres located on the northerly side of Sharon Lakes Road east of South Boulevard.

Wheeler/Hinson
Close Hearing
Unan

Attachment No. 4

5. (92-27) Hearing on Petition No. 92-27 by Clayton Properties for a change in zoning from R-4 to R-8(CD) for approximately .88 acres located on the southeast corner of Park Road and Princeton Avenue.

Hammond/Wheeler Close Hrng.

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.

Attachment No. 5

6. (92-29) Hearing on Petition No. 92-29 by Charlotte-Douglas International Airport for a change in zoning from R-3 to I-2 for approximately 18.77 acres locates south of Byrum Drive at Piney Top Drive.

Mangum/Wheeler Close Hrng. Unan.

Attachment No. 6

7. (92-30) Hearing on Petition No. 92-30 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for 44.7 acres located generally between Monroe Road and Randolph Road, just south of Briar Creek.

Hammond/Wheeler Close Hrng. Unan.

Attachment No. 7

8. (92-31) Hearing on Petition No. 92-31 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-5 to R-8 for 29 acres located north of Wendover Road and west of the Arnold Palmer Center (LaTrobe Drive).

Mangum/Martin Close Hrng. Unan.

Attachment No. 8

DECISIONS

9. (91-76) Decision on Petition No. 91-76 by Michael D. Herndon for a change in zoning from O-2 to I-2(CD) for approximately .321 acres located on the southwest corner of Charles Avenue and Yadkin Avenue.

Wheeler/Hammond App. 9-1 No Modif.

Bid #1 $3319 B-40 P-418

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

Attachment No. 9

10. (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.

Hammond/Harrington
Defer 60 days
unan.

This petition was deferred for 60 days at the March 16 meeting.

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

The Mint Museum is still meeting with the neighborhood and requests another 60 day deferral.

Attachment No. 10

Hammond/Martin
Defer 30 days
unan.

11. (92-5) Decision on Petition No. 92-5 by Realfin, Inc., for a change in zoning from Institutional to O-1(CD) for approximately 16.2 acres located on the east side of U. S. 29 at McCullough Drive.

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

Attachment No. 11

12. (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.

Campbell/Wheeler
Defer #12 & #18
for 30 days
unan.

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

This petition was deferred for 30 days at the April 20 Meeting.

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

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

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

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

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

Attachment No. 12

13. (92-18) Decision on Petition No. 92-18 by Dilworth Community Association for a Text Amendment to various sections of the City of Charlotte Zoning Ordinance to establish criteria for the location and design of group homes.

Hammond/Cloninger Defer four months (Dept.) unan.

The Zoning Committee deferred action on this petition for up to four months.

Attachment No. 13

Ord. #2 #3330 B 40 P 431

14. (92-19) Decision on Petition No. 92-19 by Charlotte-Mecklenburg Planning Commission for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outside storage of building materials under prescribed conditions in the B-2 District.

Martin/Wheeler App. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 14

Ord #3 #3331-V B 40 P 433

15. (92-20) Decision on Petition No. 92-20 by YMCA of Charlotte/Thomas Arkle, III for a change in zoning from R-9MF with a Special Use Permit to O-1(CD) and termination of the Special Use Permit for approximately 15.8 acres located on the westerly side of Democracy Drive at Regal Oaks Drive.

Martin/Wheeler App. unan.

The Zoning Committee recommends that this rezoning petition be approved as well as the request for termination of the Special Use Permit.

Attachment No. 15

Ord #4 #3332-V B 40 P 433

16. (92-21) Decision on Petition No. 92-21 by University Research Park for a change in zoning from O-15(CD) and RE-2 to O-1(CD) for approximately 6.62 acres located on the southerly side of W. T. Harris Boulevard east of Mallard Creek Road.

App. unan.

The Zoning Committee recommends that this petition be approved.

Attachment No. 16

17. (92-22) Decision on Petition No. 92-22 by Charlotte-Mecklenburg Planning Commission (Northeast District Plan) for a change in zoning from B-1SCD and B-2 to R-12MF for approximately 77.7 acres located on the northwesterly side of U. S. 29 east of Carley Boulevard (University Place).

Hammond/Wheeler
Defer for 30 days
unan.

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

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

Attachment No. 17

18. (92-23) Decision on Petition No. 92-23 by Charlotte-Mecklenburg Planning Commission for a change in zoning from Institutional to R-5 for approximately 70 acres located between U. S. 29 and Harris Boulevard including properties along both sides of Hampton Church Road.

Campbell/Wheeler
Defer #12 + #18
for 30 days
unan.

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

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

Attachment No. 18.

Rec #1
B-29
p-50

19. Recommend adoption of a resolution setting public hearings for June 15, 1992, at 6:00 p.m. in the Meeting Chamber, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, on Petition Nos. 92-28 and 92-32 through 92-34 and 92-44 for zoning changes.

Mangum/Scarborough
app
unan

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

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

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

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

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

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

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

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

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

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

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

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

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

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

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

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

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

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

ORDINANCE -- Charlotte Coliseum (Original) and Ovens Auditorium

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

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

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

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

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

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

6 That the owners and occupants of the landmark known as the 'Charlotte c um (Original) and Ovens Auditorium' be given notice of this ordinance as r ui ed by applicable law and that copies of this ordinance be filed and indexed in he ffices 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 160 A, Article 19, and any amendments to it and any amendments hereinafter adopted

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

_____
Clerk to the City Council

Approved as to form:__

_____
C ty 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

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

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 COMMISSI 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 FIR' 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 ALI THE CAST IRON RADIATORS IN THEIR ORIGINAL LOCATIONS (EVEN IF DISCONNECTED) AND C(WITH ORIGINAL WOODEN GRILL COVERS. IF CAST IRON RADIATORS CANNOT BE PLACED IN THEI 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 SUB MIT 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 EXISTI 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 ROY
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 NORTH 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 purpos 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 Auditori Coliseum-Convention Center Authority, 100 Paul Buck Boulevard, Charlot 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 h 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

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

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

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 Blv 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 fr 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/Charlott Historic District Commission

Date October 12, 1990

Charlotte Mecklenburg [illegible]
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

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

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

92-24

1434 Queens Rd West
Charlotte, NC 28207
April 14, 1992

City Clerk's Office
600 E. Fourth St
Charlotte NC. 28202

Dear Sir:

Because none of the three of us who own Tax parcel 049-311-01 have ever been notified of the rezoning of our property by mail, in spite of my repeated calls to the Planning Commission over a period of one week, because I was given incorrect information over the phone, by Tom Drake, about both the zoning change and portion of the land to be rezoned, because I was assured that the proper notices had been or would be mailed to us and yet they never were, because my brother only received the proposed changes by fax from the Planning Commission at the end of the work day on the 13th when this petition was due by 5:00 on the 14th, and because of the degree of down-zoning involved, we request that petition 92-24 be delayed beyond the April 20, 1992.

Sincerely yours,
Lydia A. McSpadden

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1992

Mayor and City Council:

RE: Petitions to be Heard in April, 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 April 20, 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. 92-24

Petitioner: Charlotte-Mecklenburg Planing Commission

Location: Along the east side of U.S. 29 at Mallard Creek Church Road.

Request: Change from Institutional and B-1 to R-3, Single Family Residential.

BACKGROUND & JUSTIFICATION

Petitions 92-22, 23, and 24 were initiated simultaneously by staff as a follow up to a discussion with City Council at its January 21, 1992 meeting regarding Northeast District Plan land use/zoning conflicts in areas recently annexed by the City. The plan as approved by the study group and Planning Committee recommended this change.

Zoning History

The majority of this property was rezoned in 1970 by the Charlotte-Mecklenburg Planning Commission from R-12, R-12MF, and B-2 to B-1 and Institutional primarily to accommodate future expansion of the University and to reduce the intensity of commercial development along U.S. 29. Special use permits for two fraternity houses have been approved for land within this area.

The Planning Committee recommended as part of the Northeast District Plan that the undeveloped B-1 properties fronting U.S. 29 and the institutional property on the north side of Mallard Creek Road between U.S. 29 and N.C. 49 develop residentially, and thus should be rezoned to a residential category. The reasons for this recommendation were:

- The property on the south side of Mallard Creek Road between U.S. 29 and N.C. 49 has predominantly developed with single family and multi-family homes. This existing development establishes a distinct separation between the UNCC campus and private development to the north of the campus. UNCC has no plans to in essence "leap frog" the residential area on the south side of Mallard Creek Church Road to develop institutional uses on the north side of the road between U.S. 29 and N.C. 49.

  The proposed rezoning to single family would complement the existing residential development on the south side of Mallard Creek Road and provide the opportunity for residential development close to the UNCC campus. Residential development is not permitted in the Institutional zone.

- Rezoning the B-1 property fronting U.S. 29 would prevent strip development from occurring. A 125,000 square foot mixed use center has been approved on the southwest quadrant of the intersection of

U.S. 29 and Mallard Creek Church Road which should provide ample opportunity for B-1 uses as part of an integrated design plan.

The County Commission eliminated the recommendation to rezone the B-1 property, but left the rezoning from institutional to residential in the plan; however, when the petition for the institutional rezoning was filed, the County Commission denied the petition.

A portion of the B-1 area along U.S. 29 and the institutional area along Mallard Creek Church Road (the land included within this petition 92-24) was recently annexed by the City of Charlotte. At the direction of City Council, staff has filed this newest petition for Council to consider. This would implement the original intent of the Northeast District Plan in the area that is now in the city limits.

Existing Land Use

This property is predominantly vacant but includes a County Park (soccer fields), some single family homes, and two fraternity houses.

Surrounding Land Use

On the north side of U.S. 29 there is a convenience store, an apartment complex, and vacant land. To the east is a mobile home park, a quarry, and vacant land. Single family homes and apartments are to the south of the site, and an apartment complex and vacant land are to the west.

Proposed Land Use/Zoning

As endorsed by the County Commission the public policy on how this land should develop is business and institutional, as the land is zoned. However, for the reasons previously stated, single family should be considered for the land. The R-3 district has been requested, but a future intensification to multi-family may be appropriate with evidence that the multi-family locational criteria approved as part of the District Plan General Policies have been met.

Nonconformities Resulting From This Rezoning

The existing fraternity houses would become legally nonconforming if this rezoning is approved.

Consequences of Not Rezoning This Property

If the existing zoning is left in place over 1/4 mile of strip commercial uses will be allowed along the south side of U.S. 29. This is in addition to the B-1 and B-2 zoning in place on the north side of U.S. 29. The Institutional zoning would continue to allow such uses as medical offices, veterinary clinics, fraternities, jails, stadiums and arenas, and accessory retail activities. These uses may not be

compatible with adjacent existing residential uses. Also, residential uses would not be permitted to be built in the Institutional zone.

*Subject to further refinement following public hearing.

Official Rezoning Application

CITY OF CHARLOTTE

Petition No. 92-24

Date Filed February 3, 1992

Received By [illegible]

OFFICE USE ONLY

Ownership Information

Property Owner: see attached list

Owner's Address: see attached list

Date Property Acquired:

Tax Parcel Number: 049-311-01 & 051-021-09

Location of Property (address or description)

along the east side of US 29 at Mallard Creek Church Road

Description of Property

Size (Sq. Ft.-Acres): approximately 147 acres

Street Frontage (ft.):

Current Land Use: predominantly vacant, with a County park (soccer fields), some single family homes, and a fraternity house

Zoning Request

Existing Zoning: INST/B-1

Requested Zoning: R-3

Purpose of Zoning Change: to carry out the recommendations of the adopted Northeast District Plan

Name of Agent:

Agent's Address:

Telephone Number:

Name of Petitioner(s): Charlotte-Mecklenburg Planning Com

Address of Petitioner(s):

Telephone Number:

Signature:

Signature of Property Owner If Other Than Petitioner:

NORTHEAST DISTRICT #13

PETITIONER: Charlotte Mecklenburg Planning Commission

PETITION NO.: 92-24 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: Institutional and B-1

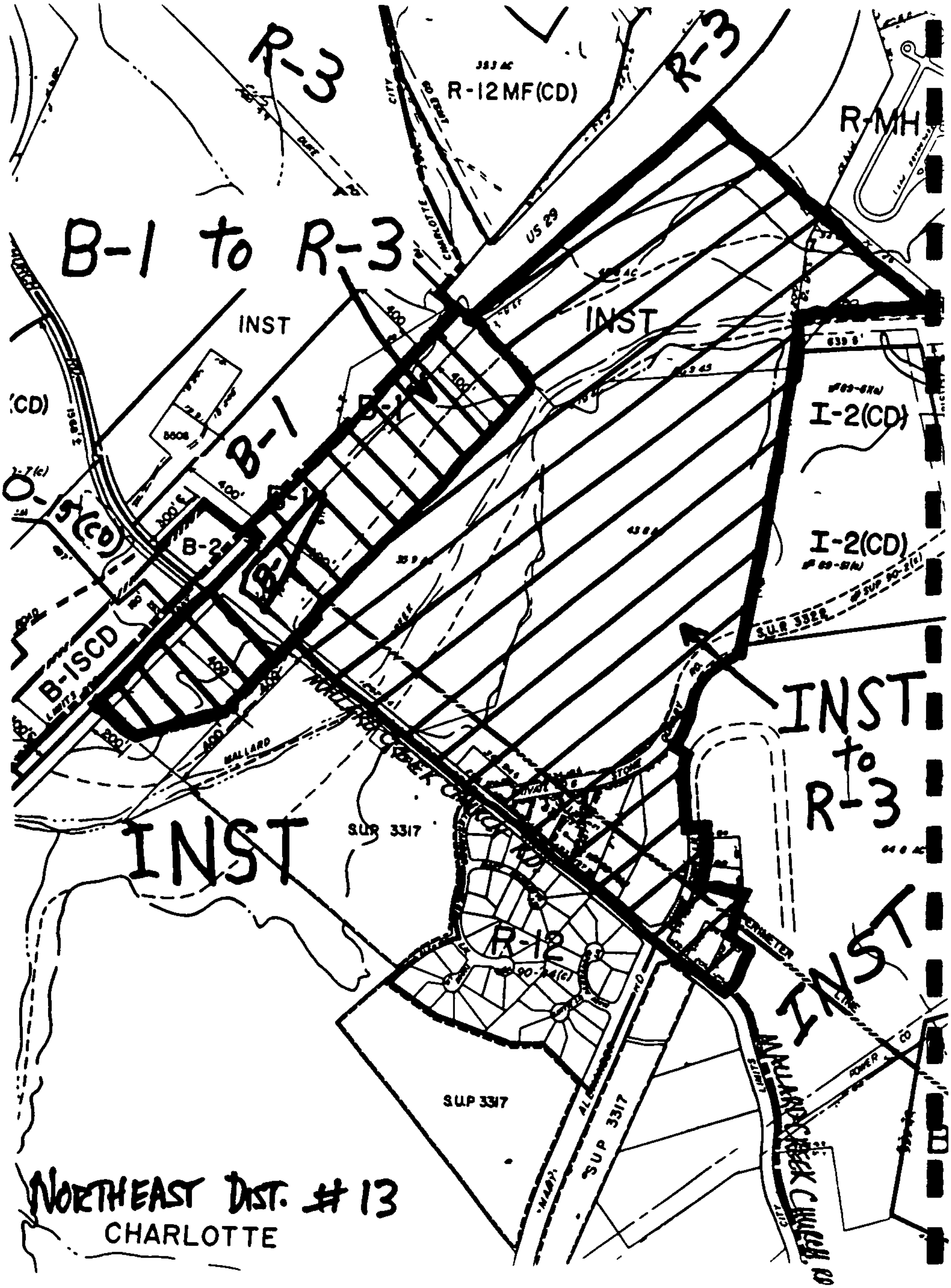
ZONING CLASSIFICATION, REQUESTED: R-3

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

SEE ATTACHED MAP

ZONING MAP NO(s).: 57 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE


R-3
R-12MF(CD)
R-3
R-MH
B-1 to R-3
INST
INST
I-2(CD)
B-1
B-2
B-1SCD
I-2(CD)
INST
to
R-3
INST
SUP 3317
R-12
SUP 3317
SUP 3317
INST
NORTHEAST DIST. #13
CHARLOTTE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-25

Petitioner: McDonald's Corporation

Request: Text amendment to change the minimum required off-street parking requirement for restaurants.

BACKGROUND

The minimum parking requirement for restaurants was changed with the adoption of the new zoning ordinance from a standard based on the number of seats and employees to gross square footage of the restaurant. The previous standard was one space for each three seats, plus one space for each two employees on shift of greatest employment. The revised standard is one space for each 75 square feet of gross building area. This results in additional required parking. For example, a recently built restaurant having 5,285 gross square footage with 90 seats and 12 employees would require 70 parking spaces under the current ordinance. Under the former ordinance the requirement would be 36 spaces.

This new requirement was compared to those of 21 other communities as published in a 1991 national review of off-street parking requirements ("Off-Street Parking Requirements," American Planning Association May, 1991). This study revealed that under our current standard, 16 other ordinances would require less and five would require more parking. This petition proposes to return to the standard of the former ordinance. Based on that criteria in comparison to the 21 other communities, six would require less, one the same, and 14 more parking.

Since it was intended under our new ordinance to generally require less parking than previously, it is appropriate to consider an amendment. However, the Building Standards Department recommends that any revision not have any standard tied to the number of employees or seats. The number of employees is a fluctuating factor subject to peak hours and the type of restaurant which results in a difficult standard to enforce. The number of seats presents an equally difficult standard to administer.

CONCLUSION

It is recognized that the current parking requirements for restaurants justifies an amendment, but not subject to any number of employee ratio. The Planning staff in concurrence with the Charlotte Department of Transportation and the Transportation Division of the County Engineering Department recommends a standard of one space per 100 square feet, including any outdoor serving area. This would result in the 5,285 square foot restaurant cited earlier to have 52 spaces, thus a lowering from the current requirement of 70, but more than the petitioner's proposed of 36.

*Subject to further refinement following public hearing.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Petition No 92-25
Date Filed March 2, 1992
Received By MKM

OFFICE USE ONLY

Section No Chapter 12, Part 2, Section 12.204, Table 12.202 - Minimum Required Off-Street Parking Spaces By Use
(Title)

Purpose of Change

With the adoption of the new zoning ordinance, the required parking for "Restaurants" was changed from a standard based on the number of seats to "1 space for each 75 square feet" of gross building area. This is resulting in the requirement of an excessive amount of parking. For example, a recently built McDonald's Restaurant required 39 parking spaces under the old ordinance and the same building would have to provide 70 spaces under the new ordinance. There is no valid reason for this change that we can find. There should not be a requirement for more paved area for any purpose than is necessary, and we do not know any problems resulting from the old ordinance. It is requested that the old standard be restored.

Fred E. Bryant, Planner
Name of Agent

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

333-1680
Telephone Number

McDonald's Corporation
Name of Petitioner(s)

P. O. Box 95182, Raleigh, NC 27625
Address of Petitioner(s)

(191) 876-9716
Telephone Number

Signature Mr. Tom Fowler
Regional Real Estate Representativ

ORDINANCE NO. _____

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

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

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

1 - Amend Chapter 12, Part 2, Section 12.204, Table 12.202 (Minimum Required Off-Street Parking Spaces By Use) by:

(A) Deleting the required number of spaces for restaurants which reads "1 space per 75 square feet" and

(B) Replacing above language with the following "1 space per each three seats, plus 1 space for each two employees on the shift of greatest employment."

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 _____.

_____
Brenda Freeze, City Clerk

FRED E. BRYANT, PLANNER

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

SUPPORT STATEMENT FOR ZONING PETITION 92-25

PETITIONER: **MCDONALD'S CORPORATION**

REQUEST: **AMEND THE TEXT OF THE ZONING ORDINANCE TO CHANGE THE MINIMUM REQUIRED OFF-STREET PARKING STANDARDS FOR RESTAURANTS**

From 1962 until January, 1992, the requirement for off-street parking for restaurants was 1 space for each 3 seats and 1 space for each 2 employees on the shift of greatest employment. With the adoption of the new zoning ordinance, that requirement was changed to 1 space for each 75 square feet of gross floor area in the restaurant facility. Apparently, with little thought as to its impact, this change has substantially altered the amount of parking which is required of many restaurants.

Several months ago, the McDonald's Corporation contacted me outlining problems they would have with future restaurant sites based on a recent restaurant they had constructed in Charlotte. Whereas, the former ordinance required only 36 spaces, the new ordinance would require 70 spaces which is totally out of line with their business and not related to the demand for parking at all. This only results in a substantial amount of paved area above and beyond that which is actually needed for operation of the restaurant. Since everyone is now concerned with the amount of impervious coverage being created in our city, it would seem this is a counter productive requirement placed in the zoning ordinance.

Additionally, in the 30 years of operating under the older standard, I am not aware of any parking shortage created by those standards. Therefore, it seems logical to return to the same standard as was in effect for those many years or a reasonably comfortable one. In an analysis cited by the Charlotte Department of Transportation, when compared with 21 other communities across the country, the new standards of the ordinance resulted in 16 requiring less parking than the new standard. It was also found that 6 of the 21 even required less than our old standard. This indicates there is some obvious distortions in the current parking requirement.

It has been cited by Planning Staff that the Building Standards Department prefers not to go back to the employee and seat standard since this is sometimes a difficult standard to enforce. The compromise is to recommend that the standard be changed to 1 space for each 100 square feet as opposed to the new ordinance of 75. It was pointed out in the analysis that based on the previously cited restaurant, this would still result in 52 spaces as opposed to the original 36. As petitioner for the change, we do not find this acceptable and still believe it will create a substantial amount of unneeded paved and parking area. However, recognizing that there may be some difficulty in enforcing the seat and employee standard, we would urge that the

figure be set at 1 space for each 125 square feet. This would result in the original example having to have 43 parking spaces which is 7 more than that required for over 30 years as a standard of the ordinance. We believe this is fair and reasonable and that it will result in parking areas which are needed and useful rather than creating alot of extra space which not only creates impervious coverage but also makes the development process more expensive by virtue of requiring more land.

A change in the ordinance is being supported by the Charlotte Restaurant Association and by the Land Use Committee of the Chamber of Commerce. You will recall that the Land Use Committee was very instrumental in examining the new zoning ordinance over a period of several years, and I believe became accepted for a fair and reasonable examination of the content of that ordinance.

On behalf of the Petitioner and all others affected by this parking requirement, I urge you to consider either the approval of the proposal to return to the original ordinance standard or, in the alternative, accept the compromise of 1 space for each 125 square feet of gross area.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-26

Petitioner: Sharon Lakes Properties

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned O-1 as are adjoining properties to the south of Sharon Lakes Road and to the east. Adjoining properties to the west along the South Boulevard corridor are zoned a combination of B-2, B-D(CD), I-1, and I-2. Properties to the north are zoned R-17MF and properties further to the east are zoned a combination of R-4 and R-17MF.

2. Existing Land Use. The subject property is a portion of the Sharon Lakes Plaza Shopping Center. The subject property is the office portion of the shopping center and the adjoining tract to the west is the retail portion of the shopping center. A Kinder Care day care center and Sharon Lakes Baptist Church are located to the east. A number of commercial establishments are located along South Boulevard. Sharon Lakes Road is developed with a number of multi-family residential communities including Waterford Lakes Apartments, Summertree Apartments, and Quail Run Apartments.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing employment land uses along the South Boulevard corridor with residential development located elsewhere. The 2005 strategies for the area include streetscape improvements along South Boulevard and potential light rail in the area.

   2. South District Plan (pending). The pending South District Plan recognizes the existing office zoning of the subject property. The plan contains a tentative recommendation for rezoning of nearby office property to multi-family residential.

4. Site Plan. The site plan which accompanies this petition proposes rezoning from office to conditional commercial for the portion of the existing Sharon Lakes Plaza that is currently used for offices in order to accommodate a conversion to retail use. The plan reflects the existing building and parking and provides for additional landscaping treatments adjoining residential uses.

5. School Information. This petition has no impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 67-32	R-9 to R-9MF	Approved	06/19/67
2. 68-84	R-9MF to B-2	Approved	11/25/68
3. 70-130	R-9MF to B-2 & O-6	AIP	11/23/70
4. 72-23(c)	R-9MF to O-9	Approved	05/23/72
5. 72-72(c)	O-9 to B-2	Approved	11/06/72
6. 72-98(c)	B-2 to R-9MF	Approved	01/02/73
7. 82-72	B-2 to B-D(CD)	Approved	02/21/83

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

REVIEWS

1. Plan Consistency. This petition proposes the rezoning of land to allow for the reuse of the existing office component of Sharon Lakes Plaza for retail purposes. The 2005 Plan denotes the area as existing employment development and the pending South District Plan recognizes the existing office zoning. Therefore, the proposed conversion of the subject property from office use to retail use is not clearly anticipated by pending plans for the area.

2. Technical Consistency.

   1. Pre-Hearing Staff Input. The petitioner and staff have had extensive discussions regarding this petition prior to public hearing.

   2. Departmental Comments. This petition raised several minor comments by the reviewing departments and agencies. The one outstanding issue associated with the site plan involves the need for provision of an alternate buffer plan in accordance with the zoning ordinance. As of the preparation of this report, the alternate buffering plan has not been completed. However, it is anticipated that the plan will be finalized prior to the public hearing on this request.

ISSUES

1. Land Use. This petition proposes rezoning from office to commercial to allow for the reuse of the existing office component of Sharon Lakes Plaza for retail purposes. The pending South District Plan recognizes the existing office zoning of the subject property and does not specifically anticipate future retail on this property. However, a number of factors render the petition worthy of consideration for approval. The only change embodied

within the request is a change of use of the existing building. No building expansion will occur. The proposed conversion from office to retail in this particular setting should have limited impact on adjoining residentially zoned properties. Therefore, from a land use standpoint, this petition could be considered appropriate for approval even though the proposed retail use is not specifically envisioned by the pending South District Plan.

2. Site Plan. The site plan which accompanies this request proposes a conversion of the existing office portion of Sharon Lakes Plaza to retail space. The only other change embodied within this request relates to additional screening and buffer treatments. The petitioner is providing additional tree and shrub planting in order to provide more substantial buffering adjoining residentially zoned properties. Therefore, from a site plan standpoint, this petition is considered appropriate for approval contingent upon the successful completion of the alternate buffer plan.

CONCLUSION

This petition is considered appropriate for approval contingent upon the successful completion of an alternate buffer plan.

*Subject to further refinement following public hearing.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Staff Review - Tues. 3/31 @ 10:30a.m.

Petition No 92-26

Date Filed March 2, 1992

Received By WCM

OFFICE USE ONLY

Ownership Information

Property Owner Sharon Lakes Properties

Owner's Address 5344 Central Avenue, Charlotte, N.C. 28212

Date Property Acquired April 7, 1989

Tax Parcel Number 173-242-01

Location of Property (address or description) 7701 Sharon Lakes Road, Charlotte, N.C.

Description of Property

Size (Sq. Ft.-Acres) 2.36 Acres Street Frontage (ft.) 270 Feet

Current Land Use Office -- (Note: The tax card now indicates B-2 zoning, but this is in error -- it is an office, and is now O-1)

Zoning Request

Existing Zoning Formerly O-15, now O-1 Requested Zoning B1-CD

Purpose of Zoning Change To Allow Retail

Joseph M. Griffin
Name of Agent

301 S. McDowell Street, Suite 907
Agent's Address Charlotte, NC 28204

(704) 333-1175
Telephone Number

Sharon Lakes Properties
Name of Petitioner(s)

5344 Central Avenue, Char
Address of Petitioner(s) N.C. 28218

(704) 535-7584
Telephone Number

Sharon Lakes Properties
By: Fletcher G. Kelly
Signature Fletcher G. Kelly

Signature of Property Owner
if Other Than Petitioner

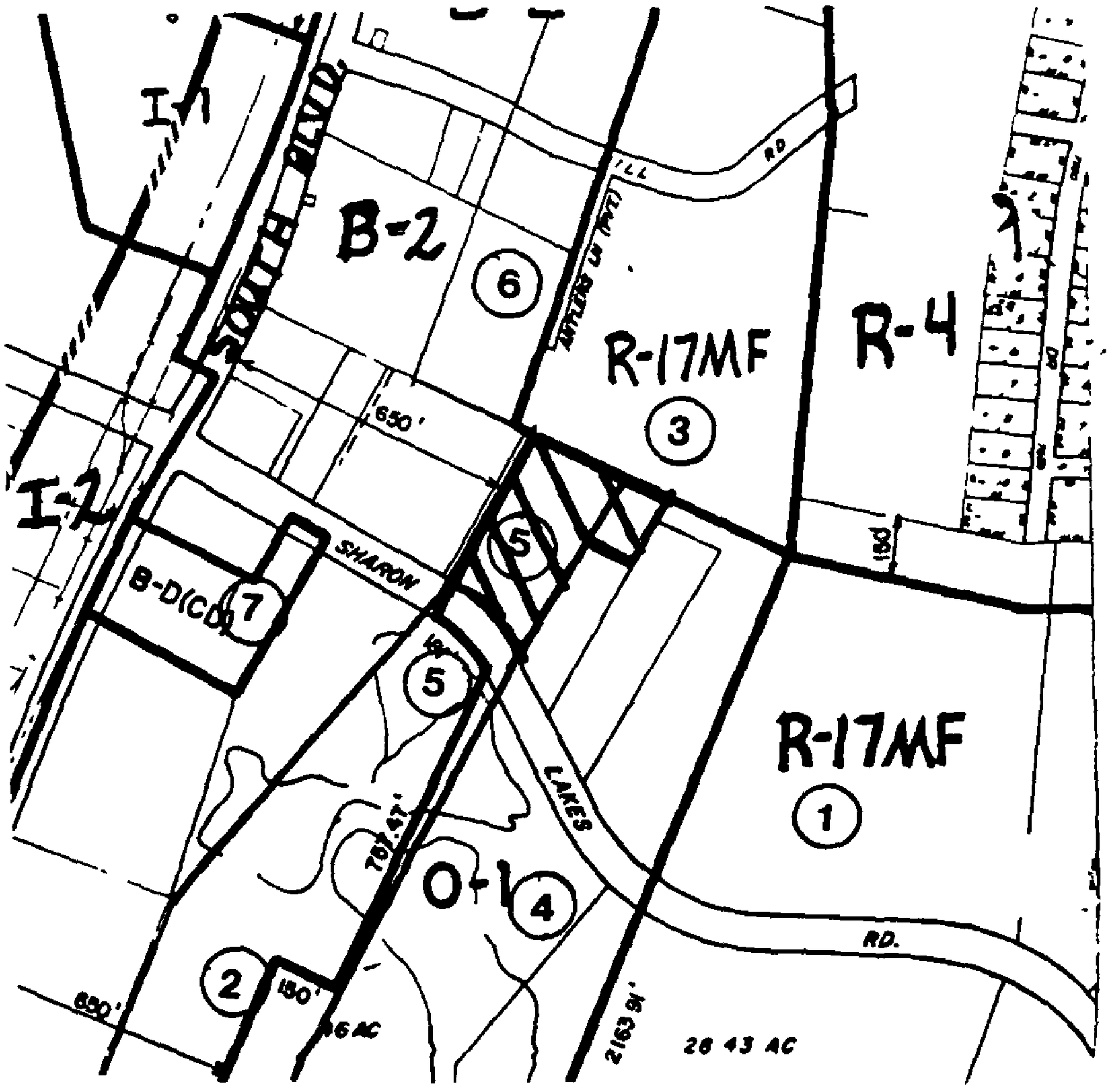
PETITIONER: Sharon Lakes Properties

PETITION NO.: 92-26 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: O-1

ZONING CLASSIFICATION, REQUESTED: B-1(CD)

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



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

PROPERTY PROPOSED FOR CHANGE

April 15, 1992

SHARON LAKES PLAZA
REZONING REQUEST

7701 SHARON LAKES DRIVE
CHARLOTTE, NORTH CAROLINA

Site Data:

Existing Zoning is O-15

Requested Zoning is B1-CD

Site Area is 2.36 acres

Building Area is 26430 sf.

Total Parking Required is 105 spaces

Total Parking Shown is 109, including Three (3) Handicapped

Existing Setbacks are: Front 40'-0"
Rear 40'-0"

Boundary Survey taken from GNA, Inc., Charlotte, N. C. dated November 14, 1988

Topographic Survey by GNA, Inc., Charlotte, N. C. dated November 14, 1988

All trees and shrubs shown are existing except those shaded and listed as new plantings to satisfy buffer and screening requirements

Rear Buffer-due to site topography and existing conditions, the existing trees and shrubbery are being supplemented as shown with Leyland Cypress to satisfy the buffer and screening requirements according to zoning ordinance section 12.304

Side buffer-due to site topography and existing conditions, the existing trees, fence and shrubbery are being supplemented as shown with Leyland Cypress to satisfy the buffer and screening requirements according to zoning ordinance section 12.304

HCB
H C Barrett & Associates, Inc

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-27

Petitioner: Clayton Properties

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

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

BACKGROUND

1. Existing Zoning. The subject property is zoned R-4 as are surrounding properties. Several nearby tracts are zoned for multi-family residential development.

2. Existing Land Use. The subject property is developed with a duplex and a single family residence. Surrounding properties are predominantly developed with single family residential uses and Charlotte Catholic High School is located across Park Road from the petitioned property. Several multi-family communities are located nearby.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan indicates existing residential land uses in the vicinity of the subject property.

   2. Park Road/March Road Small Area Plan (adopted 1983). The Park Road Small Area Plan recognizes the area of the subject property as one of single family residential development. The plan outlines the following objectives for the Park Road corridor:

      - preserve the assets that now exist, including trees, the residential character, and the interest created by the architectural style and the manner in which the uses relate to the road,

      - prevent driveway cuts on Park Road, as much as practical, and

      - provide opportunities for infill that are sensitive to the built environment.

      In addition, new developments along Park Road are encouraged to provide sidewalk.

   3. Central District Plan (pending). The Park Road Corridor Study, a separate planning effort in support of the pending Central District Plan, was recently endorsed by Planning Committee. The corridor study recommends single family

development at densities of no more than six units per acre is the area of the subject property.

4. Site Plan. The site plan which accompanies this request proposes the development of four single family lots and the preservation of the existing duplex. Access is to be provided by a new driveway connection to Princeton Avenue in addition to the two existing driveways on Princeton. The existing driveway on Park Road is to be closed and no access is allowed to Park Road. The site plan provides for tree preservation and no grading within the required 30 foot setback along Park Road as well as screening along Park Road and the southerly project edge.

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

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 66-37	R-9 to Conditional parking	Approved	04/25/66
2. 66-57	R-9 to R-6MF	Approved (R-9MF)	06/27/77
3. 69-4	R-9 to R-9MF	Denied	04/03/69
4. 69-31	R-9 to R-9MF	Denied	04/08/69
5. 79-62	R-9 Conditional parking to R-5MF(CD)	Approved	02/19/80
6. 80-33	R-9 to R-15MF(CD)	Approved	10/06/80
7. 81-34	R-15MF(CD) to R-15MF(CD) Site Plan Amendment	Denied	07/13/71
8. 82-70	R-15MF(CD) to R-15MF(CD) Site Plan Amendment	Denied	01/18/83

7. Neighborhood. This petition lies within the area defined as the Park Road neighborhood.

REVIEWS

1. Plan Consistency. This petition proposes a residential development consisting of six dwelling units. Public plans for the area recognize it as one of existing and developing residential uses. The most recent plan for the area, the Park Road Corridor Plan, recommends single family development of up to six units per acre. Therefore, the subject petition is consistent with recently adopted plans and policies for the area.

2. Technical Consistency.

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

   2. Departmental Comments. The major departmental comments or concerns related to the site plan included the need for clarifying information on proposed landscaping treatments, screening treatment, tree preservation, and right-of-way dedication along Park Road. Staff also pointed out the Park Road Plan's recommendation for six units per acre maximum and the petitioner has reduced the proposed number of units from seven to six. The revised site plan generally addresses most of the departmental comments. Items not addressed or included on the site plan relate to right-of-way dedication and sidewalk along Park Road. City Council may wish to provide some guidance with respect to these issues inasmuch as these items are not mandated by ordinance.

ISSUES

1. Land Use. The subject petition proposes rezoning from one single family residential category to another single family residential category. Publicly adopted plans for the area envision continued residential development. Therefore, the subject petition is considered appropriate for approval from a land use standpoint.

2. Site Plan. The site plan which accompanies this petition proposes the development of six dwelling units consisting of the existing duplex and four additional single family lots. The site plan provides for tree preservation and no grading within the 30 foot setback along Park Road and screening along Park Road and the southerly project edge. Most departmental comments have been addressed by the revised plan. Outstanding site plan issues include the need for right-of-way dedication and sidewalk along Park Road. The site plan as revised does however conform to minimum ordinance standards and could be considered appropriate for approval.

CONCLUSION

This petition could be considered appropriate for approval inasmuch as the plan is consistent with adopted policies for the area. City Council may wish to discuss the desirability of additional right-of-way dedication and provision of sidewalk along Park Road.

*Subject to further refinement following public hearing.

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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-27
Date Filed March 2, 1992
Received By MCR

OFFICE USE ONLY

Ownership Information

Property Owner: Clayton Properties, Inc.

Owner's Address: 3715 Weona Ave.

Date Property Acquired: 11 / 90

Tax Parcel Number: 151-091-01 and 151-091-02

Location of Property (address or description)

Corner of Park Rd. and Princeton Ave.

Description of Property

Size (Sq. Ft.-Acres): 38,323 / 0.88 Ac.

Street Frontage (ft.): 218.93 / 215.30

Current Land Use: Residential / 3 units - 1 duplex + 1 S.F.

Zoning Request

Existing Zoning: R4

Requested Zoning: R8 cd

Purpose of Zoning Change: To make it feasible to reach lots from the Princeton Ave. side without drives onto Park Rd.

Ben Barry AIA
Name of Agent

1735 Dilworth Rd. East, Zip 28203
Agent's Address

(704) 377-0099
Telephone Number

Clayton Properties, Inc.
Name of Petitioner(s)

3715 Weona Ave., Chlt. 28209
Address of Petitioner(s)

(704) 523-4415
Telephone Number

Ben Barry
Signature

Signature of Property Owner
if Other Than Petitioner

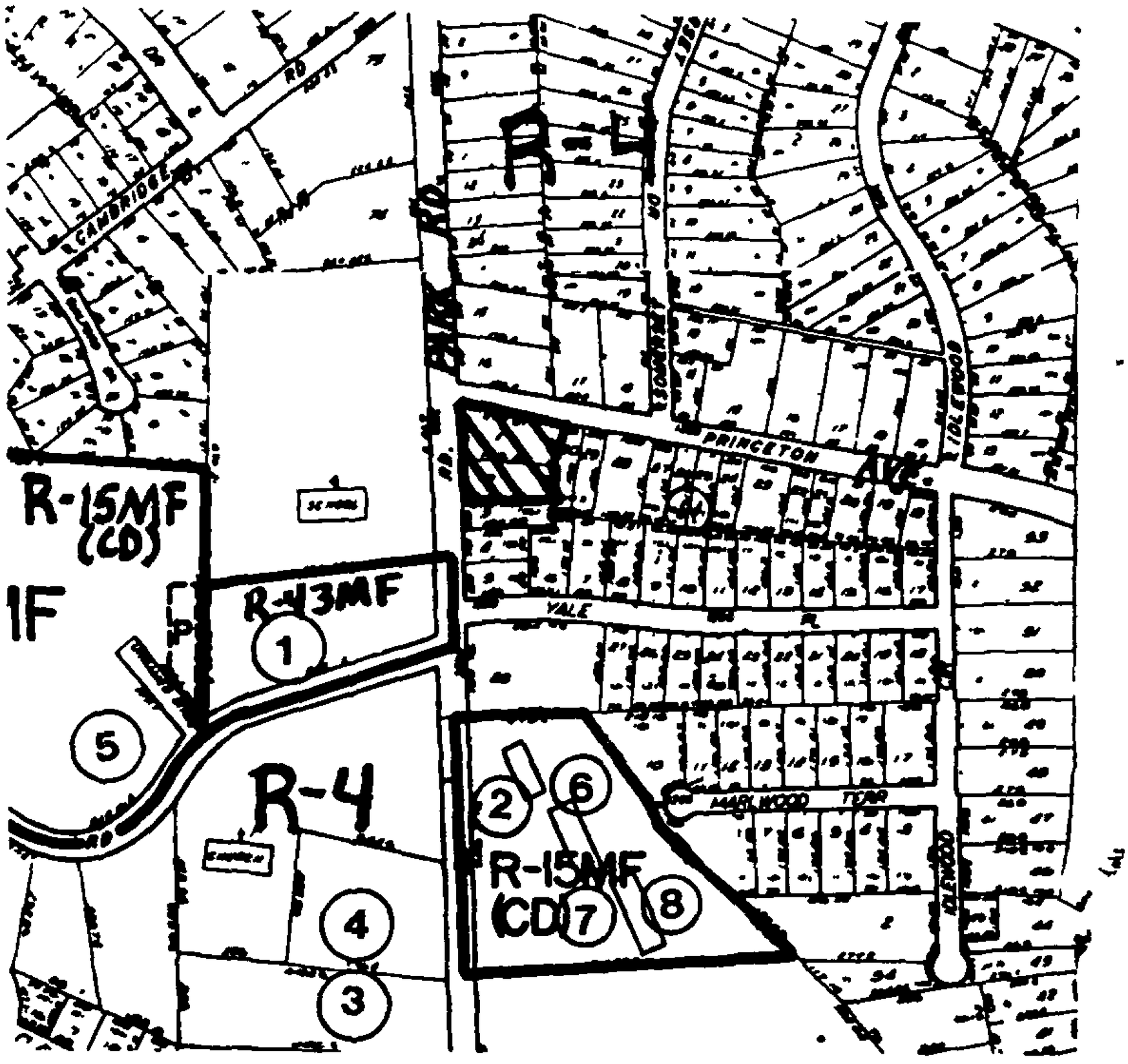
PETITIONER: Clayton Properties

PETITION NO.: 92-27 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-4

ZONING CLASSIFICATION, REQUESTED: R-8(CD)

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



ZONING MAP NO(s).: 125 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

PARK PRINCETON REZONING

Petition No.	:	92-27
Owner	:	Clayton Properties
Agent	:	Ben Barry Architect
Lot Size	:	0.88 Ac.
Current Zoning	:	R4
Proposed Zoning	:	R8
Current No. Units	:	3 units (2 duplex, 1 SF)
Proposed No. Units	:	6 (2 duplex, 4 SF) 4/21/92 BLB
Proposed No. Lots	:	5 (2 duplex, 3 SF)
Traffic	:	Vehicular access to be closed on Park Road. One Existing drive on Princeton to remain. One new 26' type II drive to be added on Princeton.
Screening	:	Screening to be provided along Park Road and between new lots and adjacent Park Road Property
Setbacks	:	Transitional setback along Park Road 50' from center of existing R/W. All other setbacks and yards, heights, and areas comply with R-8 classification.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-29

Petitioner: Charlotte-Douglas International Airport.

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

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

BACKGROUND

1. Existing Zoning. The subject property is presently zoned R-3. Properties to the north and east were recently rezoned to I-2(CD). Properties to the west are zoned R-3.

2. Existing Land Use. The subject property is presently undeveloped and the majority of the property in the immediate area is also vacant. The majority of the land directly north is occupied by Charlotte-Douglas International Airport.

3. Public Plans and Policies.

   1. 2005 Plan. The 2005 Plan recognizes that the subject property will be developed with uses associated with the airport. 2005 strategies include extending Paul Brown Boulevard (N.C. 160) to connect with West Boulevard and development of a district park.

   2. Southwest District Plan (adopted 1991). The Southwest District Plan recognizes the area of the subject property as a part of the airport. In addition, it indicates compatible land uses in the immediate area of the subject property. The property lies within the 70-75 ldn for 1994 and a portion of the site lies within the 65-70 ldn for 2005. The plan recognizes the appropriateness of locating the new animal control facility and fire training facility on airport property.

   3. Charlotte-Douglas International Airport Master Plan Update and Part 150 Study. The Airport Master Plan Update calls for the general expansion of the airport and its support facilities in conjunction with the reduction of noise sensitive land uses in the immediate area of the airport and the rezoning of land to provide for compatible land uses.

   4. Transportation Improvement Program. The Transportation Improvement Program calls for the construction of the northern and western portions (I-85 to I-77 S) of the outer belt with design, purchasing of right-of-way, and construction to begin after FY96.

5. Greenway Master Plan. Coffey Creek is indicated as a part of the Greenway Master Plan.

4. Site Plan. There is no site plan which accompanies this petition inasmuch as the application pursues a conventional rezoning.

5. School Information. This petition has no impact on the school system.

6. Zoning History (See Attached Map).

Petition No.	Request	Action	Date
1. 91-67	R-12 & R-15 to I-2(CD)	Approved	11/18/91

7. Neighborhood. This site falls within the area defined as the airport.

REVIEWS

1. Plan Consistency. This petition proposes rezoning from single family residential to the general industrial category. The Southwest District Plan and the Airport Master Plan Update both recognize the airport and its expansion needs and envision the area surrounding the airport as developing with light industrial, business park and office uses. It is also recognized that certain uses which need close access to the airport require I-2 zoning and will be developed with adequate buffers and streetscape treatments to minimize any detrimental economic and visual impact on surrounding uses. Inasmuch as the recently approved I-2(CD) plan controls the Byrum Drive streetscape and the newly adopted zoning ordinance ensures substantial buffering along other project edges, the petition is viewed as consistent with plans for the area.

2. Technical Consistency.

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

   2. Departmental Comments. There were no significant departmental comments due to the conventional nature of this petition.

ISSUES

1. Land Use. The adopted plans and policies for the area recognize the airport as a major force in the developing land uses in this vicinity. Adopted plans also recognize the need to locate in the immediate area of the airport those uses which need ready access to it and which are not noise sensitive. They further envision

these land uses to be light industrial, business park, and office uses recognizing that other additional and appropriate uses will require an I-2 zoning category. In these instances it is intended for these heavier industrial uses to be treated in such a way that their potential for causing a negative impact on surrounding less intensive uses will be minimized with streetscape treatments and extensive buffers and screening along the public right-of-ways. Inasmuch as the adjoining I-2(CD) site plan controls the Byrum Drive streetscape and the newly adopted zoning ordinance ensures adequate buffering of project edges, the subject petition is considered appropriate for approval.

2. Site Plan. There is no site plan accompanying this petition.

CONCLUSION

This petition can be considered appropriate for approval even through a conventional approach in light of the recently approved conditional rezoning of adjacent properties which ensures the Byrum Drive streetscaping treatment and the newly adopted zoning ordinance which ensures adequate buffering of project edges adjoining residential property.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-29
Date Filed March 3, 1992
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner: Charlotte/Douglas International Airport - City of Charlotte

Owner's Address: P.O. Box 19066 Charlotte, North Carolina 28219

Date Property Acquired: March 3, 1975 DB 3711 PG 464

Tax Parcel Number: P/O 141-041-02

Location of Property (address or description)

Byrum Drive

Description of Property

Size (Sq. Ft.-Acres): 18.77 Acres Street Frontage (ft.): -0-

Current Land Use: Vacant

Zoning Request

Existing Zoning: ~~[illegible]~~ R-3 Requested Zoning: I-2

Purpose of Zoning Change: To provide an area of adequate size to accommodate the 300' requirement between Commercial Kennels (Charlotte-Mecklenburg Animal Control Facility) and residential uses or district.

T. J. Orr, Aviation Director
Name of Agent

P.O. Box 19066 Charlotte, N.C. 28219
Agent's Address

(704) 359-4000
Telephone Number

Charlotte/Douglas International Air
Name of Petitioner(s) City of Charlotte

P.O. Box 19066 Charlotte, N.C. 282
Address of Petitioner(s)

(704) 359-4000
Telephone Number

Signature

Signature of Property Owner
if Other Than Petitioner

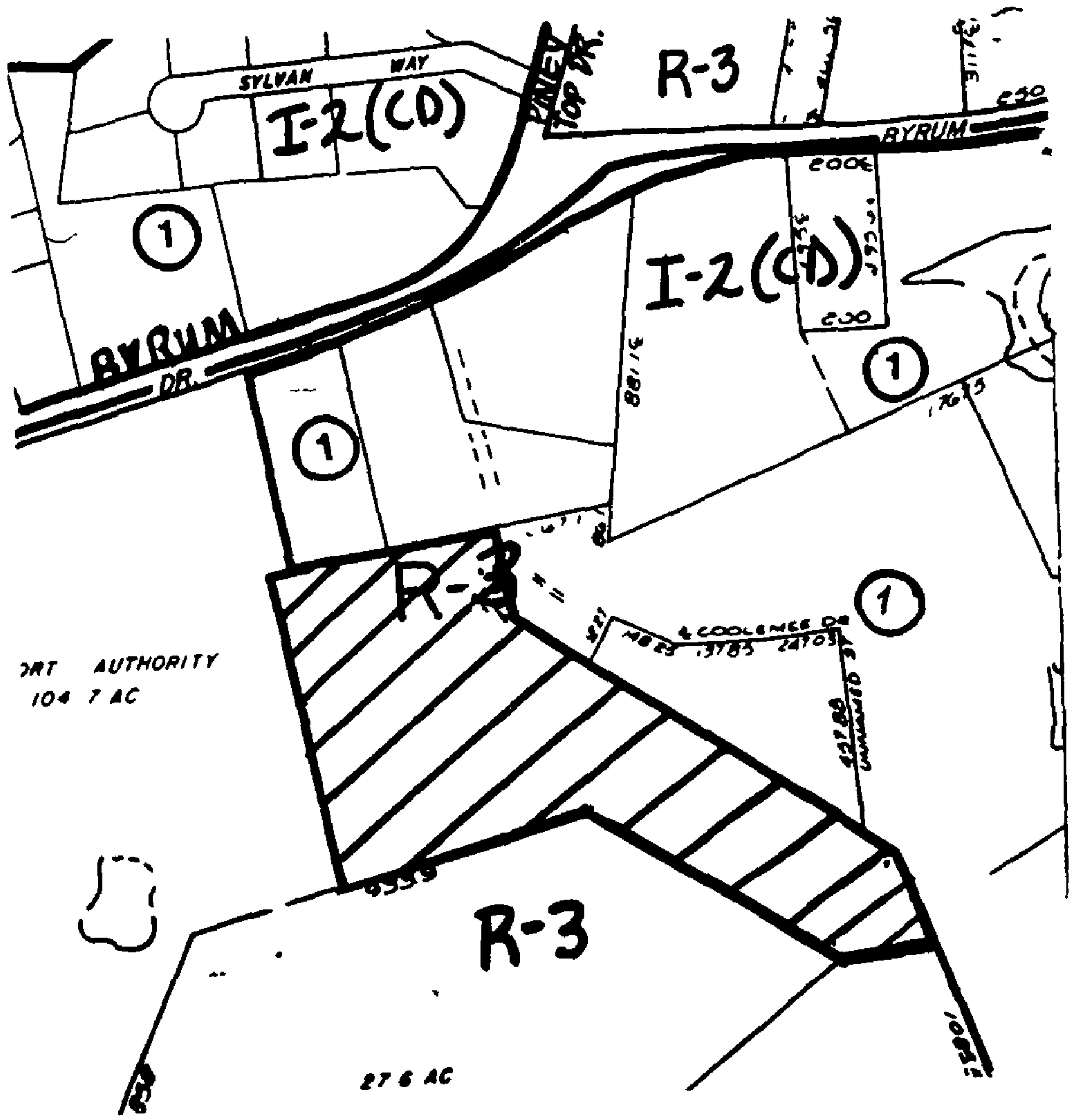
PETITIONER: Charlotte Douglas International Airport

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

ZONING CLASSIFICATION, EXISTING: R-3

ZONING CLASSIFICATION, REQUESTED: I-2

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



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-30

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Generally between Monroe Road and Randolph Road, just south of Briar Creek.

Request. Change from R-5 to R-8.

BACKGROUND & JUSTIFICATION

Zoning History

These properties were recommended for rezoning from R-6MF to a district allowing from 7-9 dwelling units per acre by the Grier Heights Special Project Plan in 1988. Such a district did not exist in the Zoning Ordinance at that time. In 1990, these properties were rezoned to R-6 as a temporary measure to reduce the potential for incompatible development at R-6MF densities (21 + d.u.a). With the new zoning ordinance adopted this year, these properties converted to R-5. At the same time, a new district became available which provides for the 7-9 dwelling units acre. This rezoning, with companion Petition No. 92-31, will complete implementation of the zoning recommendation in the approved plan.

Existing Land Uses

These properties contain primarily single family homes, with a few duplexes, some vacant land, a radio tower, and two churches.

Surrounding Land Uses

There are single family homes and duplexes to the northwest; vacant land and medical offices to the west; a mixture of apartments, single family homes and an elementary school to the south; with apartments and an an office park to the east. Primarily duplexes, with a few single family homes, are to the northeast.

Proposed Land Uses

The Grier Heights Special Project Plan calls for a mix of high density single family and low density multi-family residential at a density of 7-9 units per acre. The proposed R-8 satisfies that recommendation.

Nonconformities Resulting From This Rezoning

No new nonconformities would be created by this rezoning.

Consequences Of Not Rezoning This Property

If this rezoning was not approved, several currently nonconforming duplexes would remain nonconforming, while completing the rezoning would give them conforming use status. Not rezoning the property would reduce the opportunity to construct affordable single family homes on smaller lots. Finally, this is an urban central city neighborhood well served by bus transit The R-5 zoning would limit the number of residences which could be built in this urban neighborhood, while the staff feels the R-8 would maximize the potential of the neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-30
Date Filed March 2, 1992
Received By [illegible]
OFFICE USE ONLY

Ownership Information

Property Owner SEE ATTACHED LIST

Owner s Address SEE ATTACHED LIST

Date Property Acquired

Tax Parcel Number SEE ATTACHED LIST

Location Of Property (address or description) GENERALLY BETWEEN MONROE ROAD AND RANDOLPH ROAD, JUST SOUTH OF BRIAR CREEK.

Description Of Property

Size (Sq Ft -Acres) 44.7 acres Street Frontage (ft)

Current Land Use primarily single family residential, with some duplexes, a radio tower and some vacant land

Zoning Request

Existing Zoning R-5 Requested Zoning R-8

Purpose of Zoning Change TO CARRY OUT THE RECOMMENDATIONS OF THE GRIER HEIGHTS SPECIAL PROJECT PLAN

Name Of Agent

Name of Petitioner(s)
Charlotte-Meclenburg Planning Comm.

Agent s Address

Address of Petitioner(s)

Telephone Number

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

GRIER HTS. #4

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-30 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-5

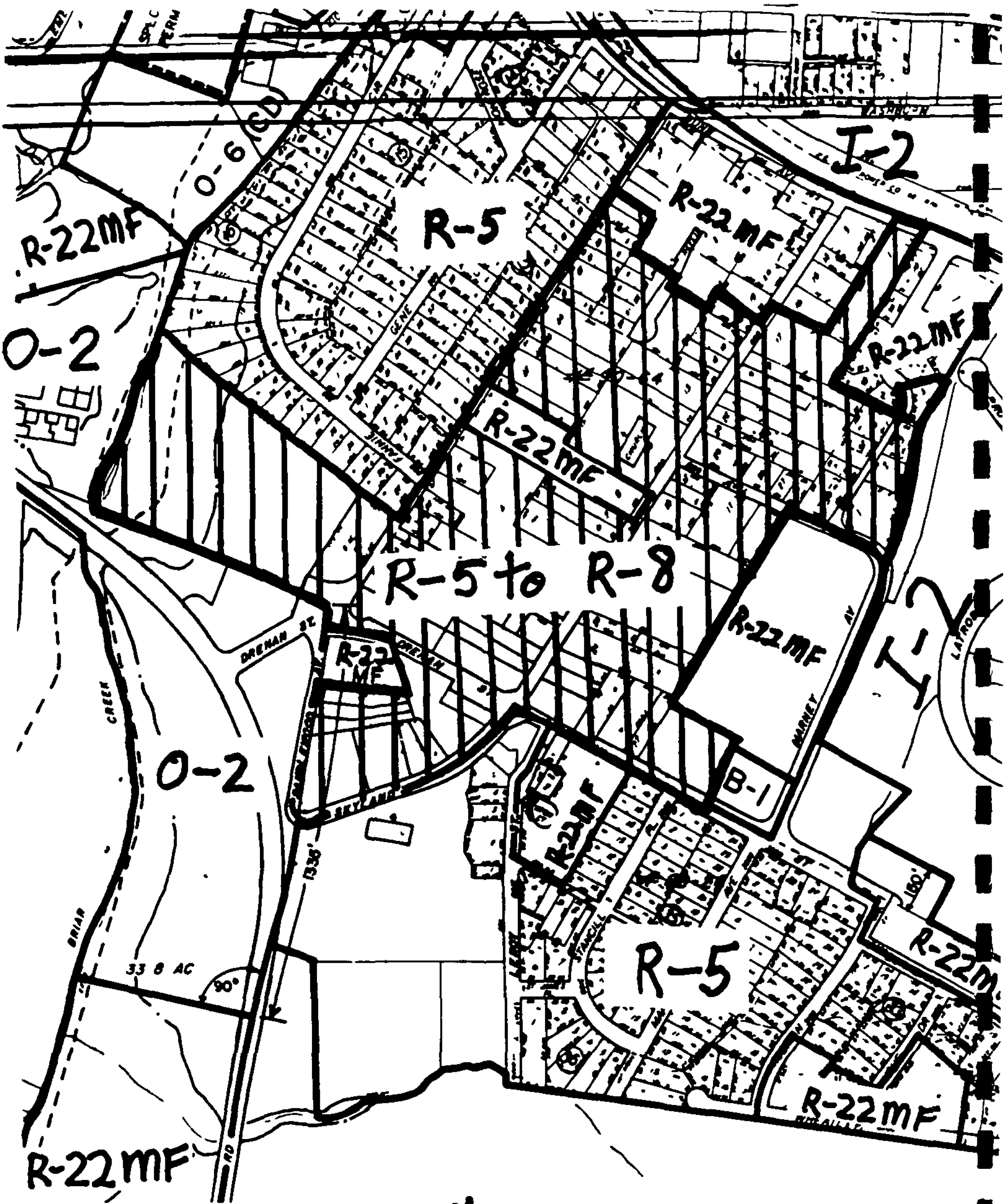
ZONING CLASSIFICATION, REQUESTED: R-8

LOCATION: Approximately 44.7 acres generally bounded by Marney Ave., Briar Creek, the Duke Power right-of-way, and Skyland Avenue (Grier Heights #4).

SEE ATTACHED MAP

ZONING MAP NO(s).: 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



GRIER HTS #4

R-5 to R-8 O-1

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 4, 1992

Mayor and City Council:

RE: Petitions to be Heard in May, 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 May 18, 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 (LS)

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. 92-31

Petitioner: Charlotte-Mecklenburg Planning Commission

Location: Generally north of Wendover Road and west of the Arnold Palmer Center (LaTrobe Drive).

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

BACKGROUND & JUSTIFICATION

Zoning History

These properties were recommended for rezoning from R-6MF to a 7-9 dwelling unit per acre district by the Grier Heights Special Project Plan in 1988. Such a district did not exist in the Zoning Ordinance at that time. In 1990, these properties were rezoned to R-6 as a temporary measure to reduce the potential development at R-6MF densities (21 + d.u.a). With the new zoning ordinance adopted this year, these properties converted to R-5. At the same time, a 7-9 d.u.a. district became available with the R-8 district. This rezoning, with companion Petition No. 92-30, will complete implementation of the zoning recommendation in the approved plan.

Existing Land Uses

This area consists of a mix of single family homes, duplexes, apartments, vacant land, and one church.

Surrounding Land Uses

Surrounding uses are a mixture of single and multi-family residential, a shopping center, medical, and other office buildings.

Proposed Land Uses

The Grier Heights Special Project Plan calls for a mix of high density single family and low density multi-family residential at a density of 7-9 dwelling units per acre. The proposed R-8 satisfies that recommendation.

Nonconformities Resulting From This Rezoning

No new nonconformities would be created by this rezoning. Some existing nonconformities would be made conforming by this rezoning.

Consequences Of Not Rezoning This Property

If this rezoning was not approved, several currently nonconforming duplexes would remain nonconforming, while completing the rezoning would give them conforming use status. Not rezoning the property would

reduce the opportunity to construct affordable single family homes on smaller lots. Finally, this is an urban central city neighborhood well served by bus transit The R-5 zoning would limit the number of residences which could be built in this urban neighborhood, while the staff feels the R-8 would maximize the potential of the neighborhood.

*Subject to further refinement following public hearing.

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No 92-31
Date Filed March 2, 1992
Received By MCM

OFFICE USE ONLY

Ownership Information

Property Owner: see attached list

Owner s Address: see attached list

Date Property Acquired:

Tax Parcel Number: see attached list

Location Of Property (address or description) generally north of Wendover Road and west of the Arnold Palmer Center (Latrobe Dr.)

Description Of Property

Size (Sq Ft Acres): 29 acres Street Frontage (ft):

Current Land Use: a mixture of vacant land, single family homes and duplex/triplex units

Zoning Request

Existing Zoning: R-5 Requested Zoning: R-8

Purpose of Zoning Change: to carry out the recommendations of the Grier Heights Special Project Plan

Name Of Agent

Name of Petitioner(s): Charlotte-Mecklenburg Planning Comm.

Agent s Address

Address of Petitioner(s)

Telephone Number

Telephone Number

Signature

Signature of Property Owner if Other Than Petitioner

GRIER HTS. #5

PETITIONER: Charlotte-Mecklenburg Planning Commission

PETITION NO.: 92-31 HEARING DATE: May 18, 1992

ZONING CLASSIFICATION, EXISTING: R-5

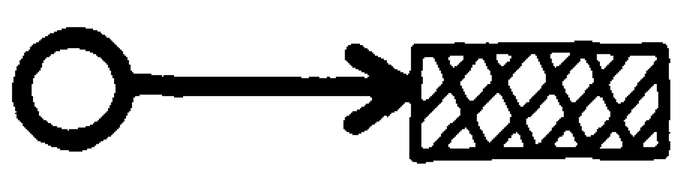
ZONING CLASSIFICATION, REQUESTED: R-8

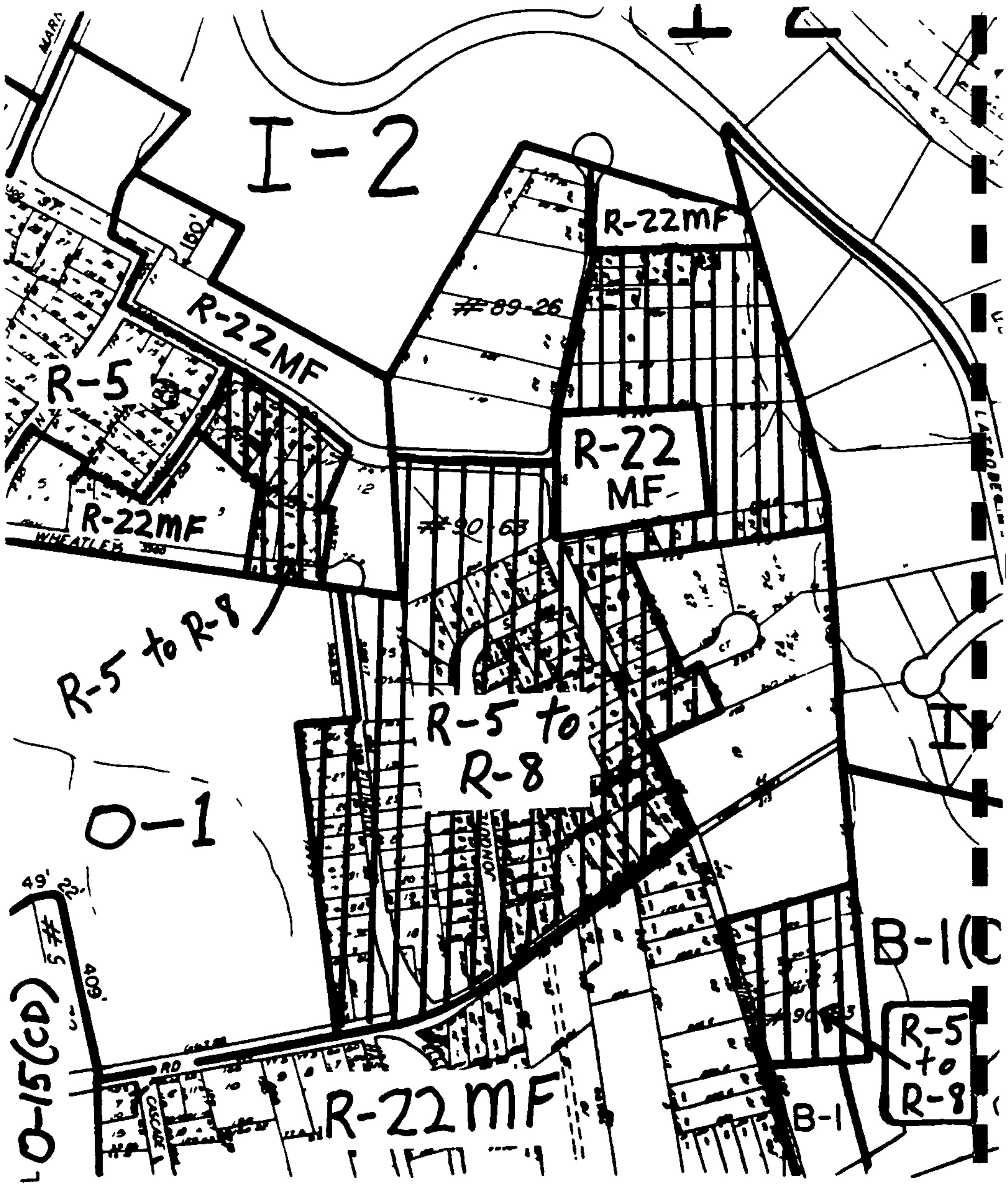
LOCATION: Approximately 29 acres generally located off of the north side of Wendover Road, west of LaTrobe Drive (Grier Heights #5).

SEE ATTACHED MAP

ZONING MAP NO(s).: 112 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE





GR. HTS #5

MATCH TO SHEET

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 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, May 11, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, May 18, 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: April 27, 1992

PETITION NO.: 91-76

PETITIONER(S): Michael D. Herndon

REQUEST: Change from O-2 to I-2(CD).

LOCATION: Approximately .321 acres located on the southwesterly corner of Charles Avenue and Yadkin Avenue.

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

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

Nays: None.

REASONS

This petition proposes rezoning from an office category to conditional general industrial to accommodate a 6,800 square foot building expansion. The site plan allows the expansion area to be devoted to a sheet metal fabrication facility or any use allowed in the I-1 district. The Zoning Committee discussed this petition for some time. It was noted that this petition lies within a neighborhood that warrants protection and the petitioned property itself lies along a fragile edge of the neighborhood. The Zoning Committee also noted, however, that the neighborhood is in favor of the petition and the existing business has been a good neighbor within the community. It was also recognized that the neighborhood wants this business to remain and fears the potential impact should the business decide to relocate. The one site plan issue discussed by Zoning Committee involves the driveway connection to Yadkin Avenue. Inasmuch as this street is residential in nature, Zoning Committee viewed the elimination of this driveway as appropriate as discussed at the public hearing on this request. Therefore, the Zoning Committee recommends that this petition be approved as modified to eliminate the Yadkin Avenue driveway connection.

STAFF OPINION

The staff's original recommendation for denial of this petition is based on a concern that approval of this petition would be viewed as a signal to investors in the area that elimination of single family residential uses in favor of nonresidential development is acceptable.

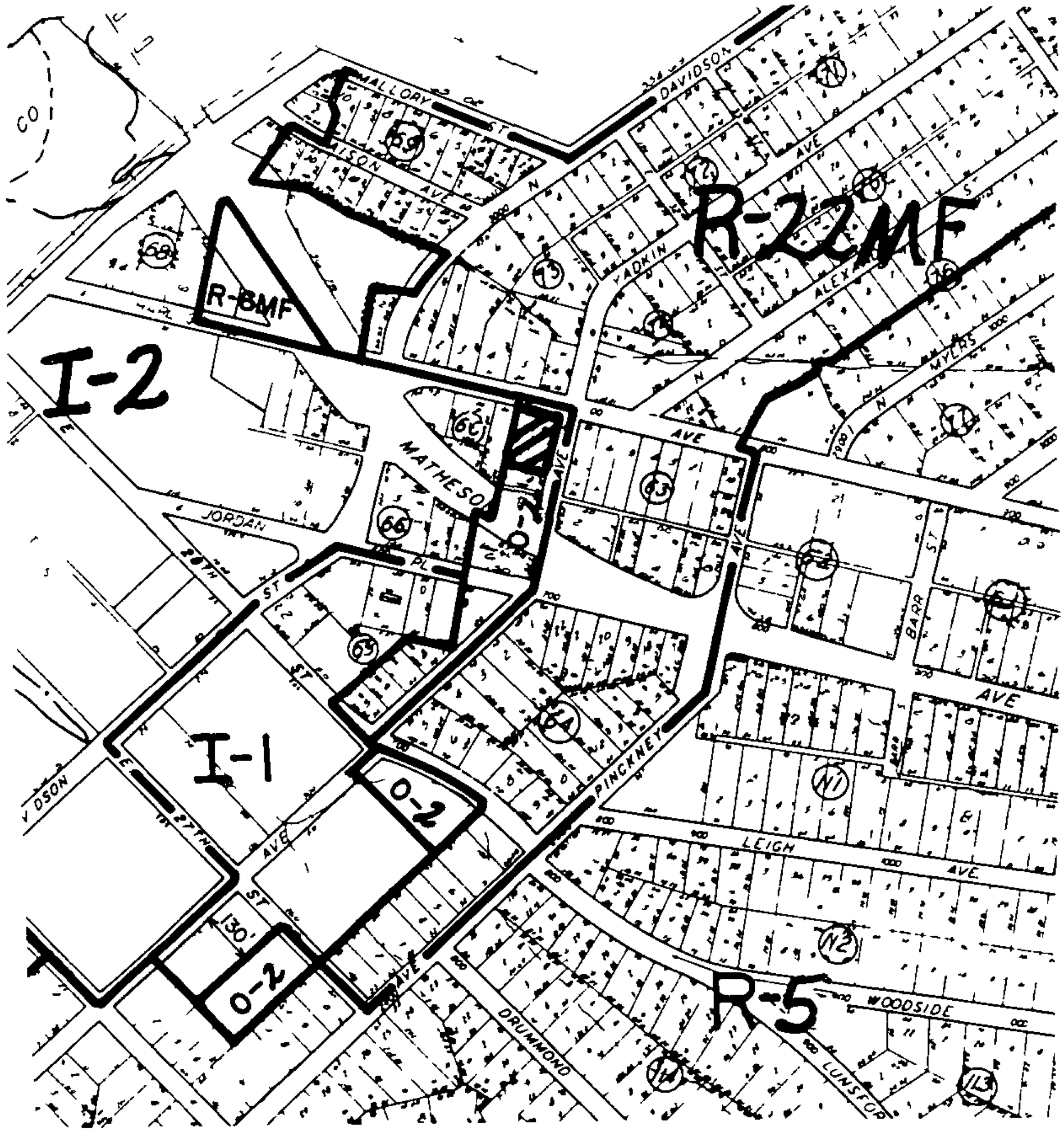
PETITIONER: Michael D. Herndon

PETITION NO.: 91-76 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: O-6

ZONING CLASSIFICATION, REQUESTED: I-2(CD)

LOCATION: Approximately .321 acres located on the southwest corner of Charles Avenue and Yadkin Avenue.



ZONING MAP NO(s).: 89 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

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 conditions 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, NC
Address of Petitioner(s)
337-2000
Telephone Number
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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 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, May 11, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, May 18, 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: April 27, 1992

PETITION NO.: 92-5

PETITIONER(S): Realfin, Inc.

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

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

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

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

Nays: None.

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

REASONS

This petition proposes rezoning of properties from the Institutional category to office to allow the development of a large office park. Most of the outstanding issues associated with this request involve transportation issues as outlined in the attached memos from CDOT. The petitioner has requested a 30 day deferral in order to allow additional time to work with CDOT staff on potential resolution of these issues. In addition, a neighborhood representative has requested that the petitioner meet with the neighborhood. Therefore, Zoning Committee deferred action for 30 days.

M E M O R A N D U M

DATE: April 21, 1992

TO: Walter G. Fields, III
Land Development Manager
Planning Commission

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

SUBJECT: Rezoning Petition 92-5: North Tryon Street (US 29) at McCullough Drive

We are concerned that Council did not hear our concerns about the traffic impacts of the proposed development at the April 20, 1992 Zoning Hearing. These concerns resulted from our review of the traffic impact study and are detailed in our April 20, 1992 memorandum to you. The access to US 29 as indicated on the site plan of record is located south of McCullough Drive at a location where a new median opening would have to be provided. The access analyzed in the traffic study is located opposite McCullough Drive, which is where access would have to be located if the site plan were approved.

We will not approve a median opening on US 29 as shown on the site plan of record because of its proximity and significant impact to the McCullough Drive signalized intersection. Based on the amount of development already approved on McCullough Drive (that was not included in the traffic study) and its related impacts, we can only approve a connection to the signalized intersection if substantial (and as yet undetermined) off-site improvements are made to McCullough Drive and possibly US 29. We have requested the petitioner's consultant, Wilbur Smith Associates (WSA), to revise the traffic study and to recommend intersection improvements to mitigate the significant operational impacts to the US 29/McCullough Drive signalized intersection. We will need to concur with any recommended improvements the cost of which the petitioner/developer will be responsible. These costs will include but not be limited to design, construction, right-of-way acquisition (if necessary), and traffic signal modifications.

Please make this information and our April 20, 1992 memorandum available to the Zoning Committee prior to their meeting on April 27, 1992 and to the Council prior to their decision on this petition on May 18, 1992.

If we can be of further assistance, please advise.

RDG/SLP:nsk
cc: W. B. Finger
S. L. Putnam
R. E. Goddard
R. E. Wilson
Wilbur Smith Associates
Realfin, Inc.
Rezoning File
T. B. Thrower

M E M O R A N D U M

DATE: April 20, 1992

TO: Walter G. Fields, III
Land Development Manager
Planning Commission

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

SUBJECT: Rezoning Petition 92-5: North Tryon Street (US 29) at McCullough Drive Traffic Impact Analysis

The Charlotte Department of Transportation (CDOT) has reviewed the Traffic Impact Analysis (TIA) prepared by Wilbur Smith Associates (WSA) for Realfin, Inc. The TIA was requested to analyze the impacts of the proposed office park on the surrounding thoroughfare system and more particularly, at the existing signalized intersection of US 29 and McCullough Drive. The development's proposed access is via a driveway connection to this signalized intersection (fourth leg of the "T"intersection).

CDOT cannot recommend the proposed rezoning of this property at this time. Future "buildout" of approved development on McCullough Drive (rezoned sites of record, but all phases not yet constructed) and its related trip generation has not been analyzed and included in the "buildout" analysis. Trip generation from the following approved developments must be included in the TIA:

University Executive Park -	219,000 sq. ft.	- General Office
B-1 CD (24 acres)	- 140,000 sq. ft.	- General Office
	- 85,000 sq. ft.	- Retail
	- 300 rooms	- Hotel
0-15 CD (70.2 acres)	- 1,145,000 sq. ft.	- General Office
0-15 CD	- 280,000 sq. ft.	- General Office
0-15 CD	- 130 rooms	- Hotel

These approved developments will generate approximately 27,215 trips per day including 2,835 am peak-hour trips and 3,120 pm peak-hour trips.

The additional traffic related to these developments will impact the existing signalized "T" intersection of US 29 and McCullough Drive. Our preliminary analysis indicates that signalizing a fourth leg of the subject intersection to accommodate the proposed development and the

additional background traffic will significantly impact the operation of the intersection. The following table compares am and pm volume to capacity ratios (V/C) for the existing intersection configuration with future traffic volumes and the proposed intersection with future traffic volumes (addition of the office park) submitted by WSA. The table also shows CDOT's analysis under the same design considerations but with the additional background traffic not taken into account by WSA.

US 29/McCullough Drive Intersection

WSA:	am V/C	pm V/C
Existing Intersection Configuration	0.71	0.62
Proposed Intersection Configuration	0.74	0.70
Percent Increase in V/C	4.2%	12.9%

CDOT:	am V/C	pm V/C
Existing Intersection Configuration	1.21	1.27
Proposed Intersection Configuration	1.42	1.55
Percent Increase in V/C	17.4%	21.5%

A V/C greater than 1.0 indicates a breakdown in operating conditions. For comparison, CDOT's 1991 Traffic Operations Plan lists High Congestion Locations (HCL) for which improvement projects are recommended. The approximately 70 locations identified as HCL's have V/C's in the ~0.95 - 1.35 range. Currently, the intersection of Hawthorne Lane and Independence Boulevard is the most congested and operates at an am V/C of 1.35 and a pm V/C of 1.25.

We have requested WSA to revise the TIA based on our review comments and resubmit for review and approval. The TIA must include recommendations and related developer funded transportation improvements to mitigate the impacts of the proposed development. CDOT will provide final review comments/recommendations following submittal of the revised TIA by WSA.

If we can be of further assistance, please advise.

RDG/REG:yd

cc: W. B. Finger
S. L. Putnam
R. E. Goddard
B. E. Wilson
Laura Simmons
Wilbur Smith Associates
Realfin, Inc.
Rezoning File

CHARLOTTE

April 20, 1992

Mr. William Hollis Loveday, P.E.
Wilbur Smith Associates
NationsBank Tower
Post Office Box 92
Columbia, South Carolina 29202

SUBJECT: Proposed Office Park - US 29 at McCullough Drive
Traffic Impact Analysis

Dear Mr. Loveday:

The Charlotte Department of Transportation (CDOT) has reviewed the Traffic Impact Analysis (TIA) prepared by Wilbur Smith Associates (WSA) for Realfin, Inc. We have the following comments:

- Although the TIA did include "buildout" of the approved retail development on US 29 south of the proposed development, it did not include "buildout" of the following approved developments on McCullough Drive:

University Executive Park	-	219,000 sq. ft.	- General Office
B-1 CD (24 acres)	-	140,000 sq. ft.	- General Office
	-	85,000 sq. ft.	- Retail
	-	300 rooms	- Hotel
0-15 CD (70.2 acres)	-	1,145,000 sq. ft.	- General Office
0-15 CD	-	280,000 sq. ft.	- General Office
0-15 CD	-	130 rooms	- Hotel

  The additional traffic related to these developments will impact the existing signalized "T" intersection of US 29 and McCullough Drive. The addition of a fourth leg to the intersection to provide access to the proposed development will further impact the operation of this intersection.

- The 1.05 Average Annual Growth Rate (AARG) used by WSA to increase traffic volumes on US 29 and W. T. Harris Boulevard for the 1997 horizon year (buildout) was incorrectly compounded to obtain an overall growth rate of 1.25 instead of 1.28.

Department of Transportation
600 East Fourth Street Charlotte, NC 28202-2858 704/336-2261

Also, the 1.22% (1.0122 AAGR) increase per year for traffic volumes on McCullough Drive used to obtain an overall growth rate of 1.0625 is considerably lower than the 3% per year increase recommended by CDOT (1.16 overall growth rate).

- Page 1-2: The am and pm peak hour percentages appear to be incorrect based on the 24-hour two-way volume of 26,690 reported by WSA.

- Page 2-1: The adequacy of a southbound left-turn lane providing 150 feet of storage is only justifiable up to a cycle length of approximately 65 seconds.

  CDOT has not yet implemented cycle length changes at this intersection following the recent annexation of this area. Most of the signalized intersections on the City's thoroughfares run on a cycle length between 130 and 150 seconds during the peak hours and CDOT expects to implement a cycle length in this range at this location. The operation of the intersection and the calculation of the required storage for a left-turn lane to serve the site must be revised and evaluated with a more realistic cycle length.

- Page 2-3: A north/south distribution of 55%/45% was used by WSA. We do not disagree with this assumption, however, the split for the future retail portion of the background traffic was divided 53%/47%.

- Figures 4-7: The figure which indicates existing laneage for the intersection of W. T. Harris Boulevard and US 29 is incorrect. Currently, westbound W. T. Harris Boulevard consists of dual lefts, two throughs, and a through/right combination lane. One through lane was omitted from each diagram. The analysis did use existing laneage and does not need correction with respect to intersection geometry.

- Table 2: The table which compares peak hour trips contains numerous errors as compared with the values in the signalized intersection analyses found in the Appendices. Please verify the information in this table.

- The final TIA must be signed, dated, and sealed by a professional engineer registered in the State of North Carolina.

Please revise the TIA according to these comments and resubmit to CDOT for final review and approval. If you have any questions, please contact me (704-336-7085) or Randy Goddard (704-336-3935) of staff.

Sincerely,

Scott L. Putnam

Scott L. Putnam, P.E.
Manager of Engineering Services
Transportation Engineering Division

SLP/REG:yd

cc: R. D. Gillis
W. B. Finger
R. E. Goddard
Laura Simmons
Realfin, Inc.
Rezoning File

DATE: March 23, 1992

PETITION NO.: 92-11

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

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

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

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

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

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

Nays: None.

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

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

Nays: Spencer and Tabor.

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

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

Nays: McClure.

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

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

Nays: None.

REASONS

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

Gibson Smith property

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

Gellman property

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

Portrait Homes Property

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

Remainder of Petition

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

STAFF OPINION

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

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 92-11

Date Filed December 9, 1991

Received By TWCM

OFFICE USE ONLY

Ownership Information

Property Owner See attached list

Owner's Address See attached list

Date Property Acquired

Tax Parcel Number See attached list

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

Description of Property

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

Current Land Use Vacant and multi-family residential

Zoning Request

Existing Zoning O-1 Requested Zoning B-1 and R-

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

Name of Agent

Agent's Address

Telephone Number

Name of Petitioner(s) Charlotte-Mecklenburg Planning Commission

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

Telephone Number

Signature

Signature of Property Owner
If Other Than Petitioner

Southwest DISTRICT
CITY PET. #6

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

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

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

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

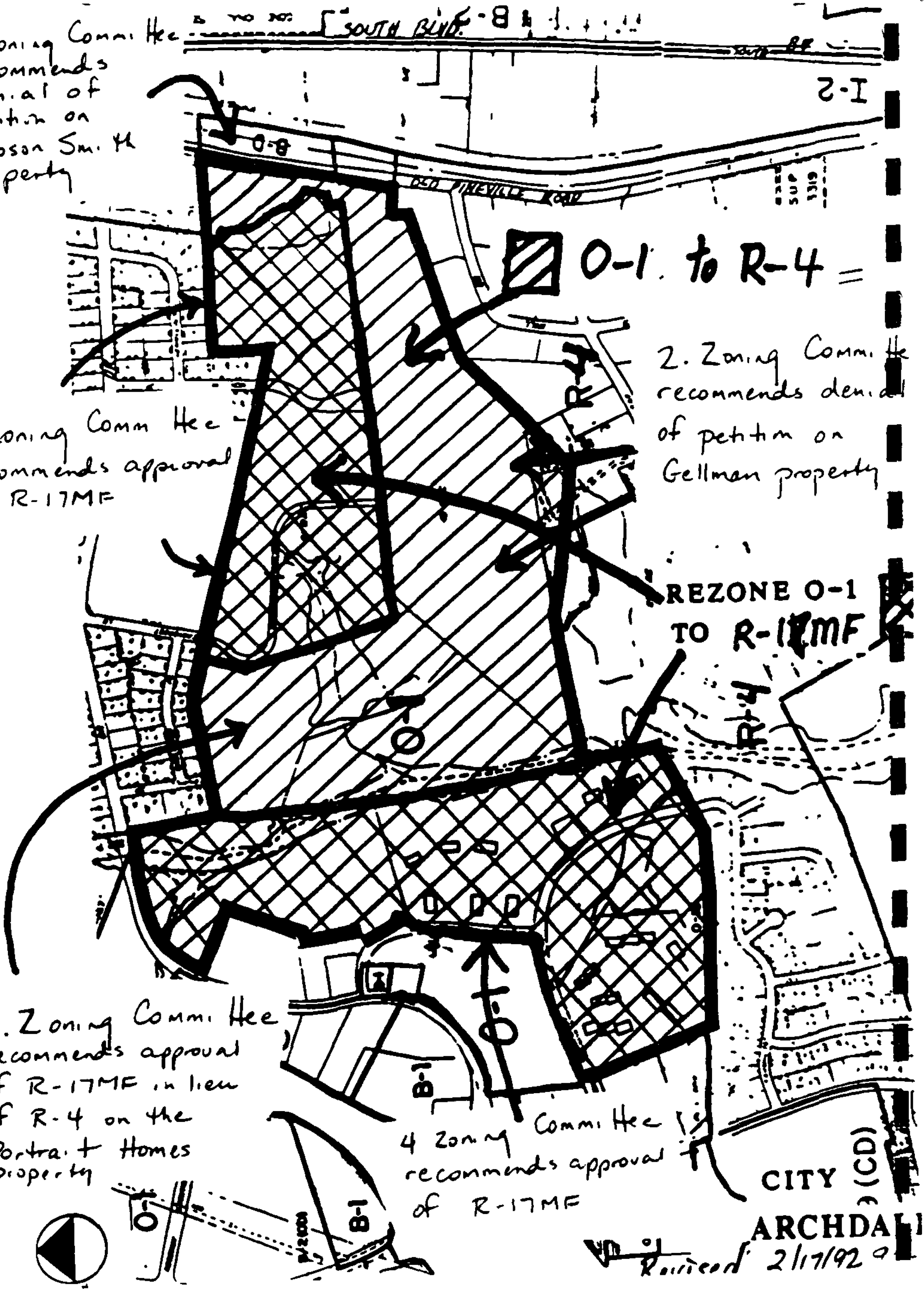
1 Zoning Committee recommends denial of petition on Gibson Smith property

2. Zoning Committee recommends denial of petition on Gellman property

4 Zoning Committee recommends approval of R-17MF

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

4 Zoning Committee recommends approval of R-17MF



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 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, May 11, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, May 18, 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: April 27, 1992

PETITION NO.: 92-18

PETITIONER(S): Dilworth Community Development Association

REQUEST: Consideration of a text amendment to various sections of the City of Charlotte Zoning Ordinance to establish criteria for the location and design of group homes.

ACTION: The Zoning Committee deferred action on this petition for up to four months.

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

Nays. None.

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

REASONS

Recently there has been a considerable amount of community concern in relation to the location and criteria of group homes. These issues have been partially addressed through a recent County Zoning Ordinance text amendment with still further refinement under consideration. The Zoning Committee deferred action on this petition to allow for the further evaluation of these issues through a subcommittee of the Zoning Committee. The subcommittee will discuss the group home issues for a period of up to four months in conjunction with representatives of the Mental Health community and other interested parties.

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 1992

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

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

Respectfully submitted,

Anne J. McClure

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: April 27, 1992

PETITION NO.: 92-19

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to allow outside storage of building materials under prescribed conditions in the B-2 district.

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

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

Nays: None.

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

REASONS

The new zoning ordinance permits building material sales in the general business (B-2) district subject to the following prescribed conditions:

1. All portions of the business including the storage of all materials must be housed within a completed enclosed building.

2. Only retail sales of building materials will be permitted. For the purpose of this section this means that only sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

This type of business operation generally has outdoor storage and frequently places various materials outside for display. Also, these businesses usually sell to contractors at a reduced or wholesale price. Both practices are common characteristics of building material sales and create an enforcement problem with the Building Standards Department under the current ordinance restrictions. This text amendment proposes to permit building material sales in the B-2 district with the following prescribed conditions:

1. No outdoor storage shall be located within the required setback or within any required side yard.

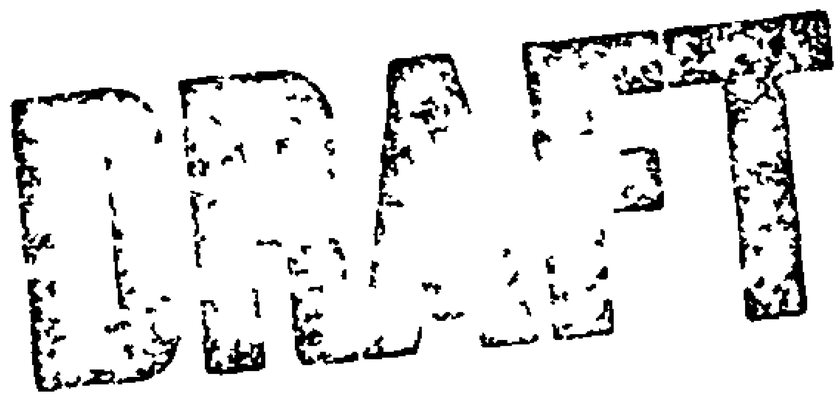
2. Any outside storage shall be screened from abutting properties and from public view along the public street in accordance with the standards of Section 12.303.

3. Within any outside storage area, material shall be stacked no higher than the height of the screening.

The Zoning Committee viewed the proposed amendment as appropriate for approval subsequent to a clarification that outdoor storage as a principal use will still require the I-2 category for uses such as junk yards, storage yards, lumber yards, etc.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.



ORDINANCE NO. _____

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

AN ORDINANCE AMENDMENTS 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 9.803. Uses permitted under prescribed conditions, (4) by deleting the following wording:

(4) Building material sales, retail (B-2 only), provided that:

(a) All portions of the business including the storage of all materials must be housed within a completely enclosed building; and

(b) Only retail sales of building materials will be permitted. For the purpose of this section this means the only sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

and replacing it with the following:

(4) Building material sales, (B-2 only), provided that:

(a) No outside storage shall be located within the required setback or within any required side yard.

(b) Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.

(c) Within any outside storage area material shall be stacked no higher than the height of the screening.

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

April 30, 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 April 27, 1992.

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

Respectfully submitted,

Anne J. McClure

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: April 27, 1992

PETITION NO.: 92-20

PETITIONER(S): YMCA of Charlotte/Thomas Arkle, III

REQUEST: Change from R-9MF with a Special Use Permit to O-1(CD) and termination of the Special Use Permit.

LOCATION: Approximately 15.8 acres located on the westerly side of Democracy Drive at Regal Oaks Drive.

NOTE: This petition involves a two part request. The entire 15.81 acre site is proposed for a termination of the existing special use permit. A portion of the total site (.737 acres) is also proposed for rezoning to O-1(CD). The proposed SUP termination is a minor special use permit and, therefore, was decided by the Special Use Permit Board. The proposed rezoning requires City Council approval.

ACTION: The Zoning Committee recommends that this rezoning petition be approved. The Zoning Committee also approved the request for termination of the special use permit.

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

Nays: None.

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

REASONS

This petition proposes rezoning from multi-family residential to conditional office and termination of an existing SUP in an area in which adopted plans recognize the existing YMCA facility and the adjacent schools as major institutional uses and a mixture of residential and office nearby. Therefore, 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.

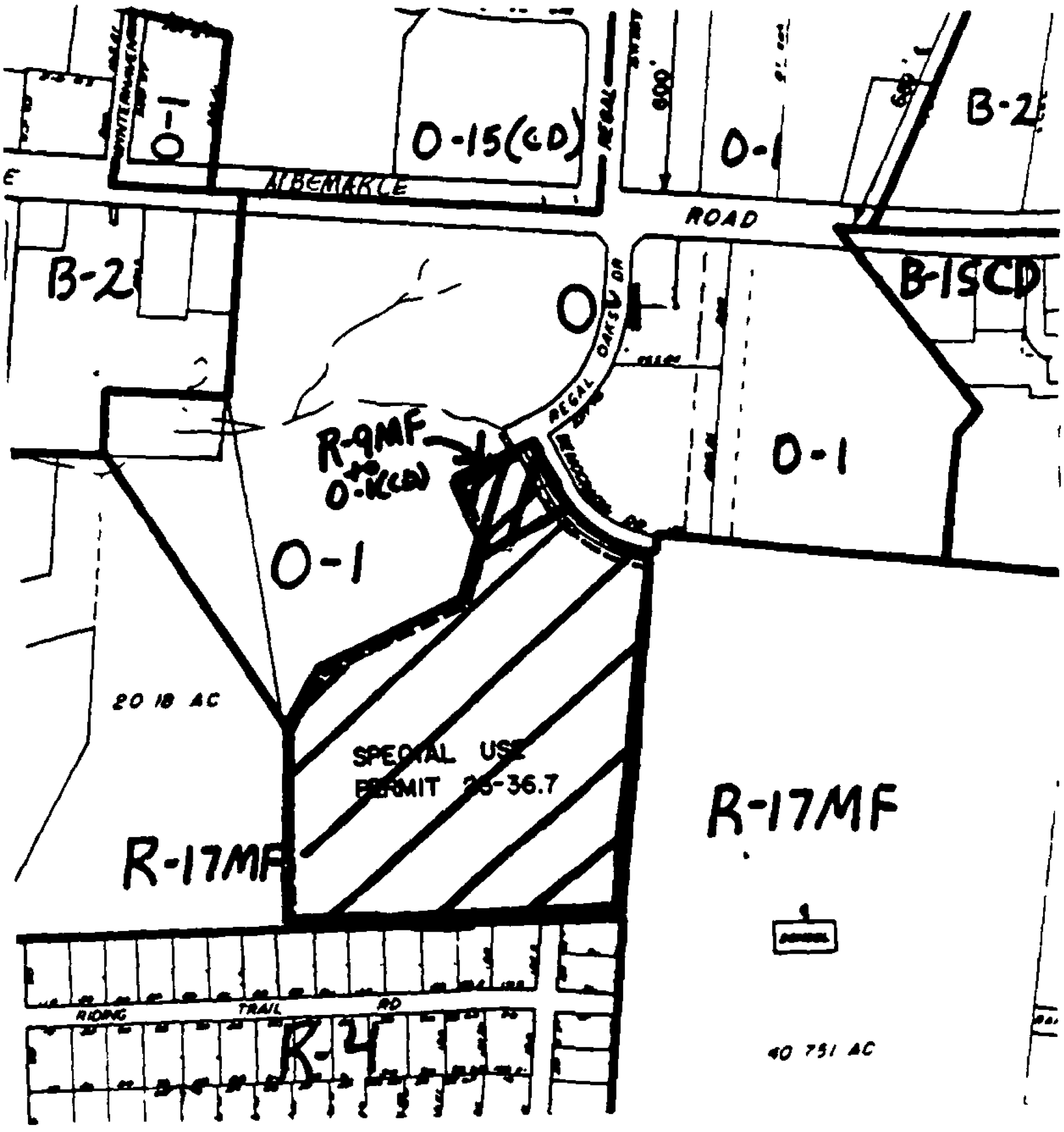
PETITIONER: YMCA of Charlotte

PETITION NO. 92-20 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: R-9MF with special use permit

ZONING CLASSIFICATION, REQUESTED: O1-(CD) and termination of special use permit

LOCATION: Approximately 15.815 acres located on the westerly side of Democracy Drive at Regal Oaks Drive (adjacent to Albemarle Road Junior High School).



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

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 1992.

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

Respectfully submitted,

Anne J. McClure

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: April 27, 1992

PETITION NO.: 92-21

PETITIONER(S): University Research Park

REQUEST: Change from O-15(CD) and RE-2 to O-1(CD).

LOCATION: Approximately 6.62 acres located on the southerly side of W. T. Harris Boulevard east of Mallard Creek Road.

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

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

Nays: None.

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

REASONS

This petition proposes rezoning from a combination of conditional office and research to another conditional office category to allow an office park development. Publicly adopted plans for the area envision further research park development to provide an expanding employment base in the area. Therefore, Zoning Committee recommends approval of this petition.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

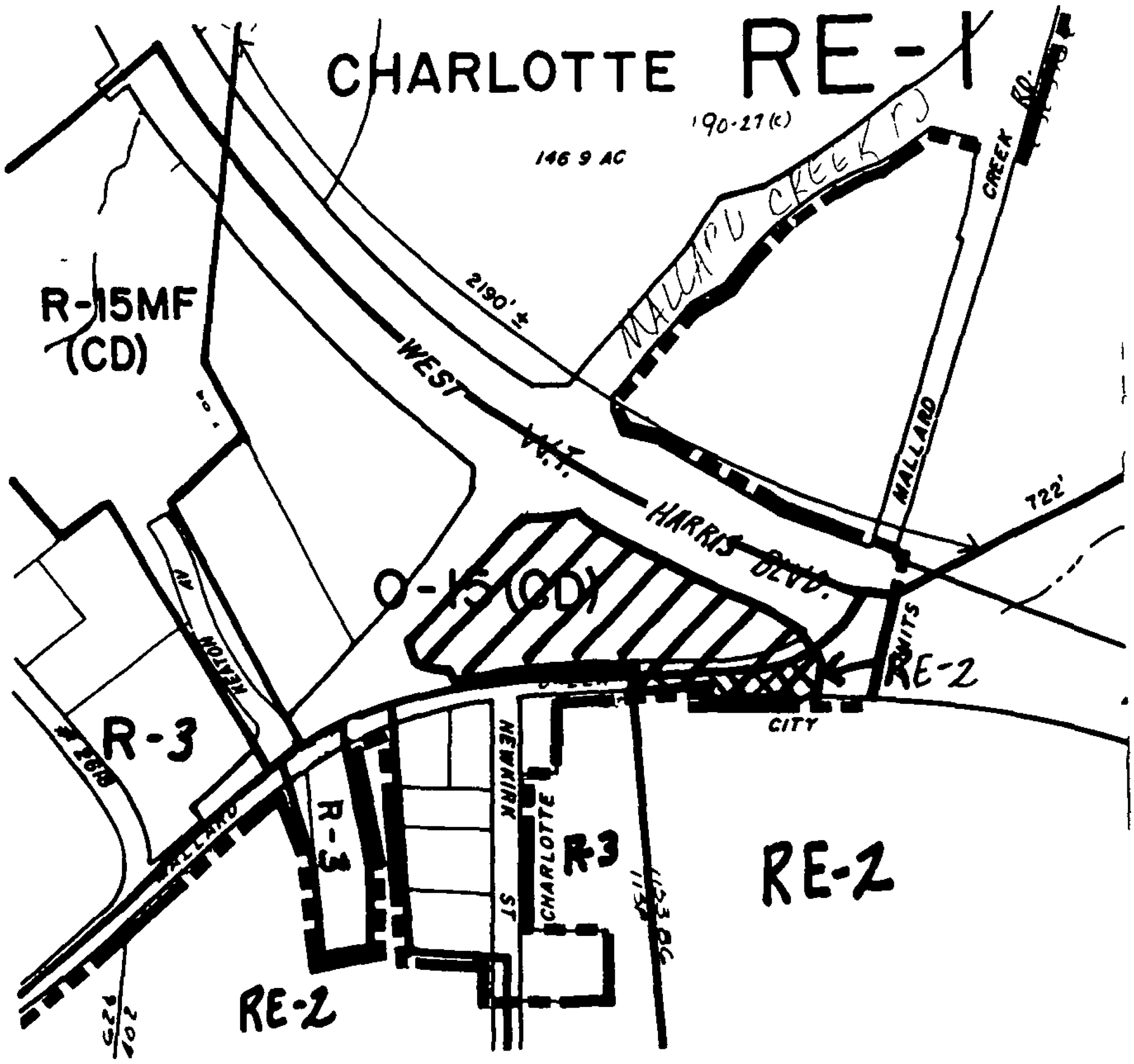
PETITIONER: University Research Park

PETITION NO.: 92-21 HEARING DATE: April 20, 1992

ZONING CLASSIFICATION, EXISTING: O-15(CD) and RE-2

ZONING CLASSIFICATION, REQUESTED: O-1(CD)

LOCATION: Approximately 6.623 acres located on the south side of West W. T. Harris Boulevard, east of Mallard Creek Road.



ZONING MAP NO(s).: 58 SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 1992.

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

Respectfully submitted,

Anne J. McClure

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: April 27, 1992

PETITION NO.: 92-22

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

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

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

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

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

Nays: None.

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

REASONS

This petition proposes rezoning from commercial to multi-family residential. Subsequent to the public hearing on this petition, staff prepared the attached response to a number of issues raised by affected property owners (also enclosed). The Zoning Committee deferred action on the petition to allow time to review the material and will consider the petition at their next work session.

CHARLOTTE-MECKLENBURG
PLANNING COMMISSION

INTER-OFFICE COMMUNICATION

DATE: April 27, 1992

TO Members of the Zoning Committee

FROM: Walter G. Fields, III
Land Development Manager

SUBJECT: April 13, 1992 County Rezoning Public Hearing Discussions and April 20, 1992 City Rezoning Public Hearing Discussions

Questions and issues are often raised by City Council or Planning Commission members during the City rezoning public hearings that are not immediately resolved during the course of the related discussion. A synopsis of unresolved questions and issues that arose at the County rezoning hearing on April 13 and the City rezoning hearing on April 20, 1992 is attached.

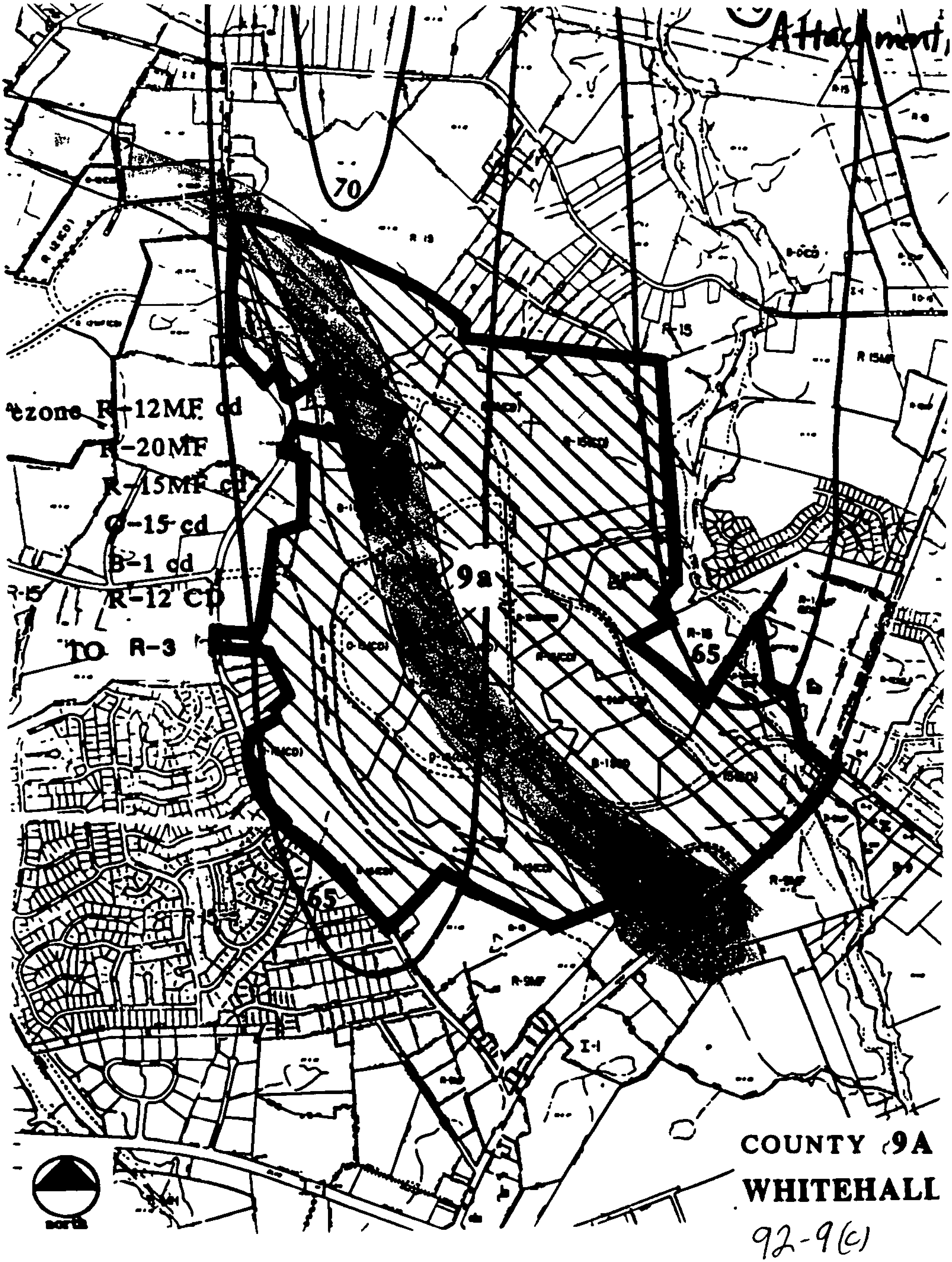
WGF/MM:mlj

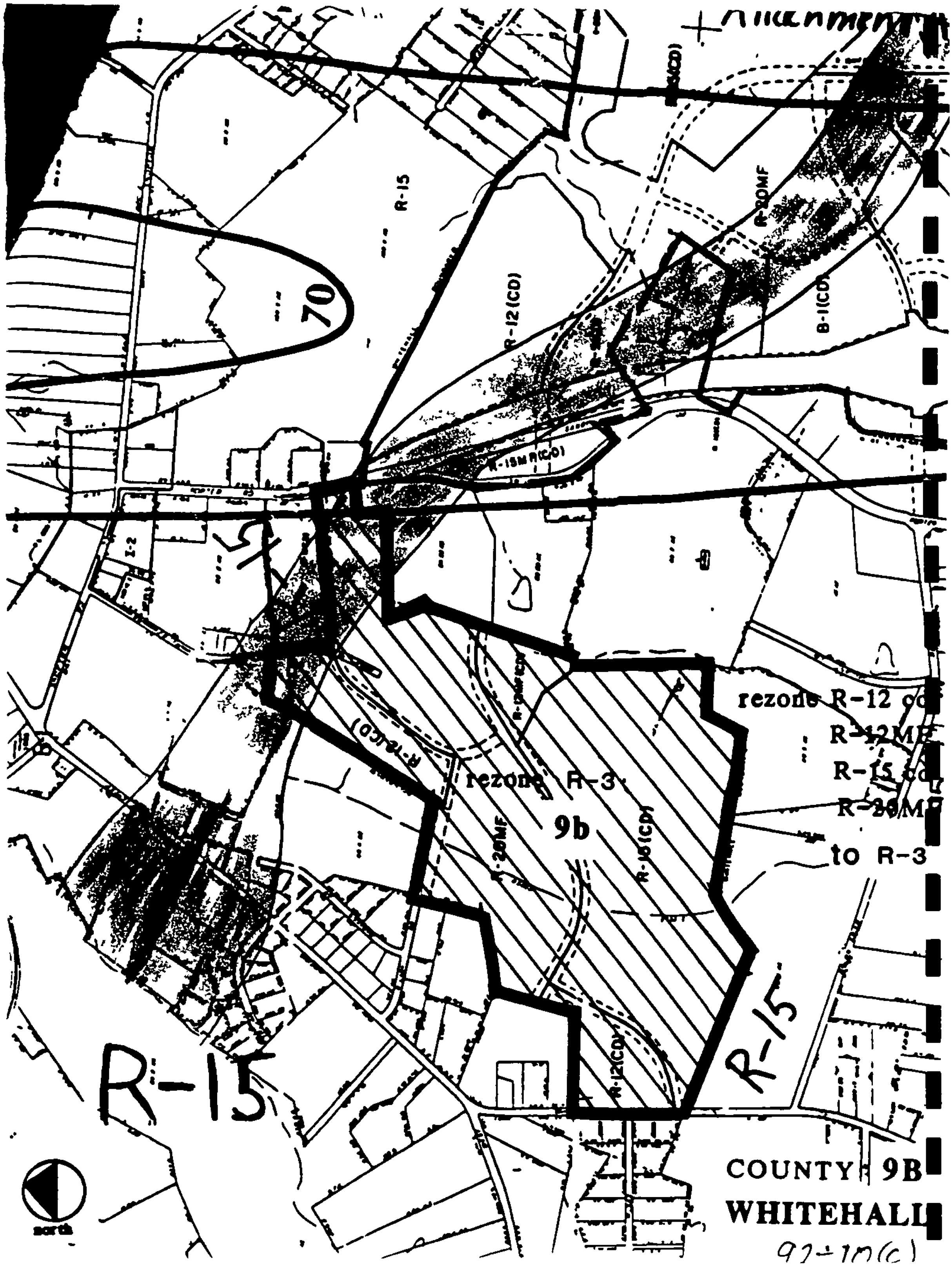
Attachment

Petition Nos.:	92-9(c), Charlotte-Mecklenburg Planning Commission and 92-10(c), Charlotte-Mecklenburg Planning Commission.
Issue:	A map showing the approximate location of the Outer Belt in relation to these petitions was requested.
*	Please see attached maps A1 and A2.

Petition No.:	92-22, Charlotte-Mecklenburg Planning Commission.
Issue:	There was a lot of discussion regarding the downzoning of this property, particularly Paradise Valley Golf Course.
*	See Attachment B.

Petition No.:	92-24, Charlotte-Mecklenburg Planning Commission.
Issue:	An adjoining property owner expressed concern over not receiving a letter of notification about the public hearing.
*	Our records indicate that letters were mailed to all adjoining property owners. The proper certification to support that the letters were mailed is in the file. The normal procedure is for Planning staff to notify adjoining property owners as quickly as possible after the resolution has been adopted by City Council. The letters for the April rezoning hearings did not go out as soon as they normally do. However, extra measures are being taken to avoid this from happening in the future.


Attachment
70
ezone R-12MF cd
R-20MF
R-15MF cd
O-15 cd
B-1 cd
R-12 CD
TO R-3
R-15
9a
65
65
I-1
COUNTY 9A
WHITEHALL
92-9(c)


R-15
70
R-12(CD)
R-20MF
B-1(CD)
R-15M R(C/O)
I-2
R-12(CD)
rezone R-3
9b
R-20MF
R-15(CD)
R-12(CD)
rezone R-12 co
R-12MF
R-15 co
R-20MF
to R-3
R-15
R-15
north
COUNTY 9B
WHITEHALL
91-10(c)

ATTACHMENT B

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 27, 1992

Mayor Richard Vinroot
City Council

Dear Mayor Vinroot and City Council:

At the public hearing on April 20, an assertion was made relative to zoning petition 92-22 (Paradise Valley Golf Course) that the Northeast District Plan land use map presented to Council was filled with "lies" and that this zoning petition is the third such attempt to rezone the property within the last two years.

Attached is a chronology of recent public agency discussions and decisions relative to the subject property. This chronology demonstrates that the map was, in fact, an accurate representation of the decisions made by City Council relative to parcels within its zoning jurisdiction, and that petition 92-22 is the first official petition filed by staff for the golf course property.

The outstanding question appears to be whether the Northeast District Plan map is also consistent with decisions made by the County Commission. At the Commission's January 21, 1992 meeting, staff was instructed to make certain changes to the Northeast District Plan and other district plan maps. Staff made such changes within the County's jurisdiction. Changes were not made, however, for those areas annexed by the City since the Northeast Plan was adopted.

I hope the attached chronology resolves any questions relative to the integrity of the Planning Commission staff.

Sincerely,

Timothy Head

Dr. Timothy Head
Chairman
Charlotte-Mecklenburg Planning Commission

TM:sls

Attachment

cc: Planning Commission
Liaison Committee

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

CHRONOLOGY OF DISCUSSIONS/DECISIONS RELATIVE TO PARADISE VALLEY GOLF COURSE PROPERTY ON US 29

STAFF/STUDY GROUP DRAFT OF NORTHEAST PLAN

- The final and all previous drafts of the Northeast District Plan prepared by staff and endorsed by the district plan study group recognized the B-1SCD zoning on the Paradise Valley Golf Course as a given. In discussions with the study group, however, staff pointed out that if the slate was cleared, staff would not have recommended a mixed use center on the golf course property because of its proximity to University Place. The study group consisted of 15 citizens including:

Ruby Bickett	Leo Ellis	Sharon Canipe
Dr. Iris Carlton-Laney	Thomas Fox	Laura McClettie
Maxine Eaves	Jody Harpster	Dr. Bill McCoy
Thereasea Elder	Joseph Grier, III	James Webb
James Lipscomb	J. Gary Morgan	Dr. Terrel Rhodes

PLANNING COMMITTEE REVIEW/DISCUSSIONS OF NORTHEAST DISTRICT PLAN

- On September 28, 1989 a public meeting was held for the Planning Committee to hear comments on the draft Northeast District Plan. Bailey Patrick, representing owners of the property on the southwest corner of the intersection of Mallard Creek Church Road and US 29, stated his clients were planning a mixed use center on their property, citing it as a good location for a center at the intersection of two major thoroughfares.

- On October 10, 1989 Planning Committee met for the second time to discuss the proposed district plan. At the previous Committee meeting staff had pointed out as information that relative to the proposed center at Mallard Creek Church Road and US 29, it would not support additional commercial development on US 29 because of the amount of commercial development already approved on the Paradise Valley Golf Course property.

  Planning Committee asked about the status of the conditional B-1SCD on the golf course property relative to the three year review time for CD cases. Staff told the Committee that the CD review time was nearing for the site. The Committee then asked if, from a pure land use perspective, staff believed the better site for a mixed use center was at the Mallard Creek Church/US 29 site rather than on the golf course property. Staff replied that it was a better site because of its access and its distance from University Place.

  Consequently, the Planning Committee suggested that when the B-1SCD site was reviewed at the end of its three year period, the zoning on the site revert to a residential classification. A Planning Committee member (Dr. Mead) then asked staff if the B-1SCD site could not simply be rezoned as are other sites recommended for rezoning in the plan. Staff confirmed that an outright rezoning was an option.

A motion was made and seconded to rezone the B-1SCD site to R-12MF and to shift the commercial center from the golf course property to the US 29/Mallard Creek Church intersection site. The discussion focused on the desire to create the best land use plan possible by eliminating the one center and supporting the center at the intersection. The motion carried unanimously. Members of the Planning Committee at this time were:

Frank Emory
Tim Mead
Doug Burns
Don Points
Sara Spencer
Jim Thomasson
Anne McClure

- On October 17, 1989 the Planning Committee approved the Northeast Plan in its entirety.

APPROVAL OF ZONING PETITION FOR MIXED USE CENTER AT MALLARD CREEK CHURCH ROAD AND US 29

- On April 2, 1990 the County Commission approved the zoning petition for a mixed use center at the intersection of Mallard Creek Church Road and US 29. The center was supported by the Planning Committee and staff. The staff analysis indicated that approval should be subject to the Northeast District Plan recommendation to rezone the center on the Paradise Valley Golf Course. The Northeast District Plan draft approved by Planning Committee stated that it should be an either/or situation with the two centers and the intersection location was the preferred site.

ELECTED OFFICIALS' REVIEW/ADOPTION OF NORTHEAST DISTRICT PLAN

- On July 9, 1990 the Northeast District Plan was approved by the elected officials. In its deliberations, the County Commission deleted the recommendation to rezone the Paradise Valley Golf Course property. As part of the discussion, the issue of annexation arose, with several Council members questioning whether the areas in which the Commissioners were denying for zoning consideration would soon be annexed. It was pointed out that some of the areas, including the golf course, would be annexed in June, 1991.

  Commissioners Walton suggested that if the City wanted to change the County's decision on these properties, it could do so when the areas are annexed.

  The final plan document reflected the Commission's action by deleting the proposed rezonings; however, as had been the policy since the early 1980's, the future land use map was not changed.

THREE YEAR REVIEW OF B-1SCD ON PARADISE VALLEY GOLF COURSE PROPERTY

- On July 29, 1991 planning staff presented a group of CD cases to the Zoning Committee as part of the three year CD review process. The Paradise Valley Golf Course property was included in the cases presented for consideration for rezoning. It was included in staff's group of cases because the property had been annexed by the City on July 1, 1991; staff suggested that although the County had not endorsed pursuing the rezoning as part of the Northeast District Plan, the City may want to do so since the property was in its jurisdiction. Zoning Committee unanimously approved a motion to receive staff's information and instructed staff to proceed with the necessary rezonings to bring back to the committee prior to officially filing petitions.

- On October 28, 1991 planning staff brought the petition to rezone the golf course property back to the Zoning Committee for its consideration. With a five to two vote, the Committee decided to retain the existing zoning on the site and not forward the case to City Council. Members of the Zoning Committee at the time of this decision included:

  Vicky Baucom
  Jack Byrne
  Anne McClure
  Roe Motley
  Tom O'Brien
  Ken Baker
  Gloria Fenning

COUNTY COMMISSION'S REQUEST FOR STAFF TO CHANGE DISTRICT PLAN LAND USE MAPS

- On January 21, 1992 during a meeting regarding a rezoning for the Southwest District Plan, the County Commission directed staff to change all the district plan future land use maps to reflect zoning decisions made by the Commission. This was to include rezonings deleted as part of the district plan adoption and through the actual rezoning process. Staff followed through with the changes in those areas currently within the County's jurisdiction. Properties, such as the Paradise Valley Golf Course, that had been since annexed by the City were left as originally shown on the future land use maps.

FILING OF ZONING PETITION FOR PARADISE VALLEY GOLF COURSE

- In January, 1992 Councilman Majeed and Councilwoman Hammond approached staff about initiating a rezoning for the Hampton Park neighborhood in the Northeast District. The rezoning they wanted to pursue conflicted with the Hampton Park Special Project Plan adopted by County Commission. Staff raised the issue of other potential City/County conflicts in other areas of the northeast recently annexed by the City; several rezonings (including the golf course property) had been recommended by the Planning Committee in the Northeast District Plan, but later rejected by the County Commission. Mr. Majeed and Ms. Hammond asked that these issue areas be brought to Council's attention.

- At City Council's January 21, 1992 dinner meeting, planning staff presented the potential City/County conflicts in the recently annexed areas of the Northeast District. Specific properties, including the golf course, were identified. Staff asked Council if it was interested in pursuing the original rezoning recommended by the Planning Committee for these properties in the annexed areas. Near the end of its official meeting, Council unanimously voted to have staff proceed with the rezoning petitions for its consideration.

- In March, 1992 the zoning petitions were filed and a public hearing was held on April 20.

FRED E. BRYANT, PLANNER

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M E M O R A N D U M

DATE: April 20, 1992

TO: Mayor Richard Vinroot and
Members, Charlotte City Council and

Chairperson Anne McClure and
Members, Zoning Committee

FROM: Fred E. Bryant F.E.B

SUBJECT: Protest of Downzoning Petition 92-22

As representative for owners of a majority of the property contained in Zoning Petition 92-22 (Henry N. Pharr, II, Trustee, Ronald J. Withrow and Velma C. Ratcliffe), I am hereby lodging a protest to the approval of that petition. This involves a proposal to change from B-2 and B-1SCD to R-12MF some 77.7 acres located on the northwesterly side of US Highway 29, south of Mallard Creek. Out of the total, the above owners represent almost 68 acres and present the following arguments in support of their opposition to this rezoning:

1. **Historic.** The original zoning of this property dating back to the 1960's consisted of a strip of uncontrolled B-2 zoning for a depth of 800 feet all along the frontage of the property. In 1986, by unanimous vote of the Planning Commission and unanimous vote of the Board of County Commissioners, this property was rezoned to a conditional classification with accompanying plans proposing development of the property for a combination of retail, office, hotel and multi-family. One of the key reasons for approval of that petition was that the planned and controlled development proposed was preferable to the unknown development which could occur under the straight B-2 classification. The important elements of that plan included a mixture of the indicated uses as well as commitments for a high level of site treatment including the dedication of greenway area along Mallard Creek and a 50-foot buffer along US Highway 29. Since the approval of that petition, continued efforts have been made to attract suitable development to the site, but have been held back due to the general economic conditions of the past several years. Obviously, a substantial amount of expenditure of time, money and effort have gone into this process. It is unfair to the owners of the property to now consider those past decisions erroneous and change substantially the development rights of the property. This is particularly true in view of the fact that nothing has changed since the original approval as to the merit of the plans which were presented at that time, and it is

doubtful that a better pattern and quality of development would occur if the entire area were developed for multi-family purposes (almost 1,000 dwelling units) as permitted by the proposed change.

2. **Land Use Plans.** As applicant for this change, the Planning Commission states the basis for it is the adopted Northeast District Plan. It is questioned whether or not this is indeed a true statement. From April, 1989 until October, 1989, all drafts of the Northeast District Plan indicated the retention of the existing business zoning on this property. It was only literally decided at the last meeting to change this and instead place a reduced amount of business area at the US 29 and Mallard Creek Church Road intersection. Language was then placed in the document which indicated that the Planning Commission previously had concerns at the time of rezoning despite the record indicating that it was a unanimous vote of the Planning Commission which recommended that rezoning. The property owners had no warning whatsoever that a change was being contemplated by the Planning Committee which was contrary to the document considered at public hearing and, therefore, had no opportunity to present arguments as to why the displacement of the existing business zoning was not warranted. After this final recommendation was forwarded to the Board of County Commissioners, the property owners presented their appeal to that Board with the results that the Planning Commission action was reversed, and the County Commissioners voted to remove the proposed downzoning from the document and retain the commercial indication on the plan.

   After annexation by the City of Charlotte, the interpretation was made that, had the property been in the City, the Planning Commission version would have been approved and, thus, this downzoning was initiated. Is this a fair and reasonable process? The owners never had the opportunity of debating the plan with the City Council since at the time it was considered at public hearing, this was not a matter of disagreement. It is our opinion that as a minimum there should have been an opportunity to consider this as a plan amendment before beginning the rezoning process. It is certain that if the process were reversed, a property owner would have been told to amend the plan before seeking rezoning. Is Government any less accountable to the policy process than private interest?

3. **Multiple Jeopardy.** This latest rezoning activity constitutes the third effort of the Planning Staff to downzone this property in less than three years. The first attempt was to place it in the Northeast District Plan as described above. This effort was defeated by a unanimous vote of the County Commission. The second attempt was in October, 1991, when the site was examined under the three-year review rule pertaining to conditional zoning. The Staff presented a recommendation to the Zoning Committee that the property be downzoned because it had been more than three years since the original approval of the zoning. After considering this matter, the Zoning Committee by a vote of 5 to 2 rejected that attempt. Now only seven months later, we are combatting the third attempt. It appears the adage "if at first you don't succeed; try, try again" is being tested to its fullest. Again, Government must, at some

point, recognize how much pressure is unreasonable in these circumstances. Certainly, a private property owner would not have three chances at rezoning their property within that time period.

4. **On-Going Development Plans.** At the present time, there is being prepared an updated proposal to develop this property in close association with the design standards applicable to the adjoining University Place project. The attached plan shows the concept which is being finalized. This plan has been preliminarily presented to the University Place Design Review Board, and we are now awaiting their response.

   This plan offers an opportunity to enhance the nucleus already established for University Place. By coordinated design, careful site utilization and interior vehicular-pedestrian linkage strengthening of the entire University Area will be achieved. An on-going effort to improve the overall development plan for the entire area should not be impaired by this proposed downzoning. It is expected that the current development plan will be finalized within a short period of time and presented for evaluation and consideration.

In summary, the property owners would urge the Zoning Committee and City Council to consider all of the factors which have gone into the planning of development of this property over the last eight years. Government has made repeated decisions to allow the development of the property as a mixed-use project as opposed to the all multi-family which the proposed downzoning would require. There has been no demonstration that the overall area would be harmed by the type of development which is currently allowed on this property and, to the contrary, it could be argued that the almost 1,000 multi-family units allowed by the proposed rezoning would not be appropriate for the area. The quality inherent in a controlled zoning plan is, in most cases, preferable to that of an uncontrolled process.

We will be happy to supply any back-up material pertaining to the above arguments and will seek an opportunity to discuss this matter personally and individually with you before your decision.

FEB/df

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

April 30, 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 April 27, 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, May 11, 1992. This will then permit these matters to be placed on your agenda for consideration on Monday, May 18, 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: April 27, 1992

PETITION NO.: 92-23

PETITIONER(S): Charlotte-Mecklenburg Planning Commission

REQUEST: Change from Institutional to R-5.

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

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

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

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

Nays: None.

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

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

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

Nays: None.

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

REASONS

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

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

PETITIONER: Charlotte-Mecklenburg Planning Commission

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

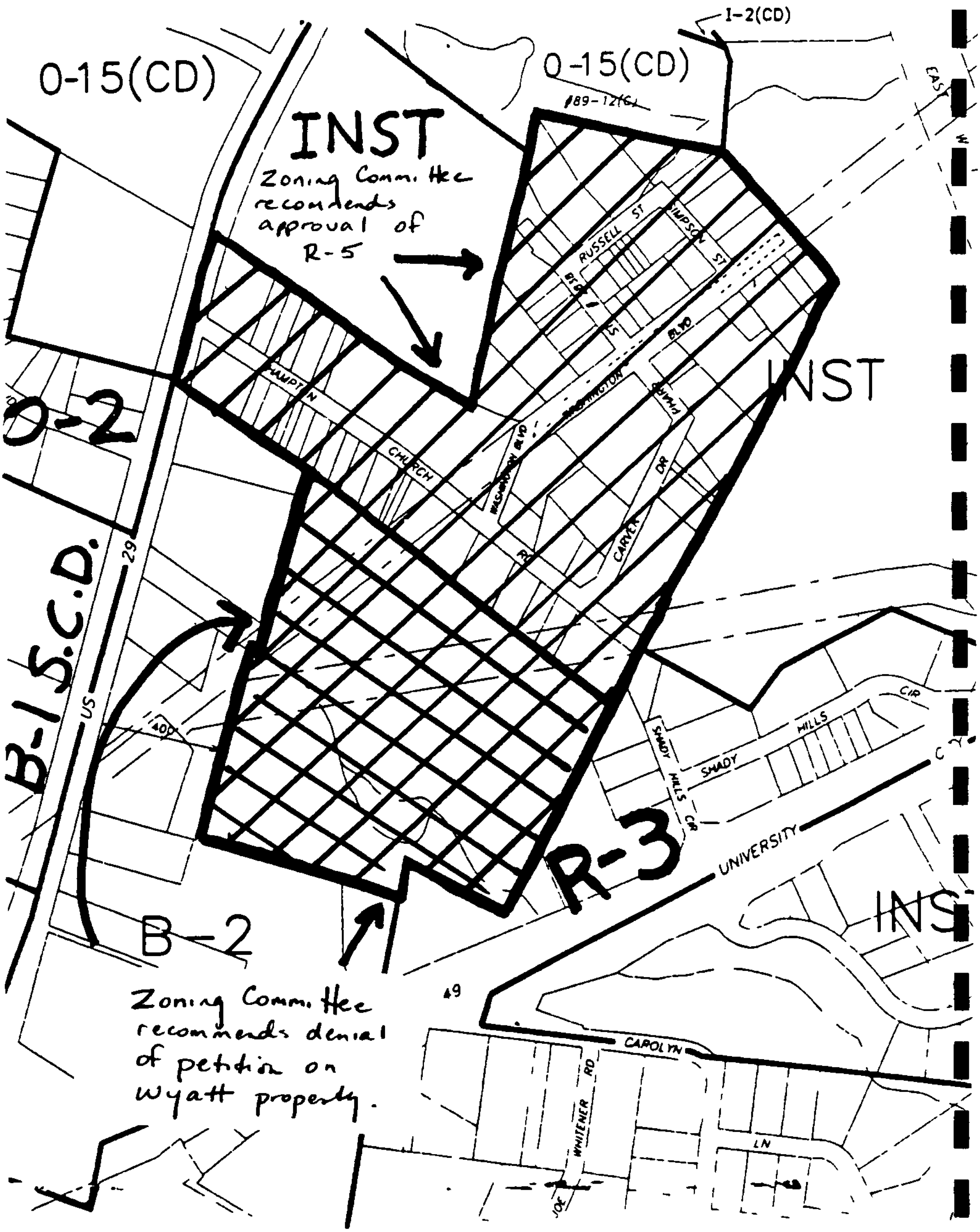
ZONING CLASSIFICATION, EXISTING: Institutional

ZONING CLASSIFICATION, REQUESTED: R-5

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

SEE ATTACHED MAP

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

PROPERTY PROPOSED FOR CHANGE

NORTHEAST DISTRICT