AGENDA

Meeting Type:	B
Date:	10-20-1993

City of Charlotte, City Clerk's Office

Zoning Meeting October 20, 1993

Mayor Vincent	✓	Jack Byrne	✓
Campbell	✓	Vicky Bauman	✓
Clodfelter	absent	Ike Heard, Jr.	✓
Hammond	✓	Don Wheeler	✓
Mc Crory	✓		
Majed	✓		
Mangum	✓		
Martin	✓		
Patterson	absent		
Reid	✓		
Scarborough	✓		
Wheeler	✓		

6:00 p.m.

Mayor
Jack Byrne
Pat Mc Crory - Invocation
Mayor - Council
#1 Louis Bledsoe
Decided it would make its November Decisions at the regular Council Meeting on 11/22/93.
Mayor
Hammond / Wheeler Clse Hrng. unan
Hammond / Wheeler App.
Mangum

VOTE
No - Mangan

#2
#93-54
Hammond -
Hammond / Wheeler - Continue
for 60 days

Vinroot

VOTE - Unan.
Hammond - Decision to defer
#8 - 93-27
#15 93-51
#16 93-52
Wheeler / Hammond
Defer 30 days unan.
Mangum #9 - Protested - should we defer?
Campbell - Neighborhood no longer protests.
Mangum
Campbell Move forward please
#3 - 93-108
Vinroot
Fred Bryant
Hammond / Wheeler close - unan.
#4 Vinroot - 93-109
Brian Ferrell
Vinroot

McCrory / Wheeler Case - Unan.

#5 93-110
Vinroot
Betty Cecil
Vinroot
William Huffstetler 201 Shenandoah
Betty Cecil
Martin
Cecil
Martin
Cecil
McCrory - How long has day
Cecil
McCrory
Fields
Cole / Many Case Hearing
Unan.

#6 - 93-111
Vinroot
Fields
Manzen
Vinroot
Frank Martin
Vinroot

Charles
Robert Young
James Christenbury
Majed
Christenbury
Frank Martin
Hoyle Martin
Frank Martin
Fields
H. Martin
Scar / Wh Case - Tenn.
#7 93-113
Winroot
Paul Sires
Winroot
Majed
Winroot
Wheeler / Scarborough Case - Tenn.
93-39
#9 Mar / Hamm App. Tenn.
#10 - 93-45
Mar / Scar App Tenn.

#11 93-47 Man / Wh App-Uncan.

#12 93-48 Mangum / Scarborough Uncan.

#13 93-49 Man / Reid App. Uncan.

#14 93-50 Man / Wh App. Uncan.

#17 93-53 Majeed / Scarborough App.

Subst. Mangum / Hammond - Deny

Majeed
Martin -
Underhill - You were excused
Vinroot
Mangum
Scarborough
Hammond
Fields
Scarborough

Vinroot
Majeed
Mangum
Chin
Subst. Deny VOTE

No - Majeed + Wheeler
Vinroot

Mangum / Hartsfield
Adjourn
6:45 p.m.

neighborhood

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

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HEARING ON PETITION NO 93-110 BY RONALD S. AND BETTY B. CECIL FOR A CHANGE IN ZONING FROM R-3 TO B-2 FOR APPROXIMATELY 1.63 ACRES LOCATED ON THE NORTHEASTERLY CORNER OF THE INTERSECTION OF EAST W. T. HARRIS BOULEVARD AND ROBINSON CHURCH ROAD.

The scheduled public hearing was held on the subject petition

Betty Cecil, 6315 East W. T. Harris Boulevard said they have resided at this address since 1949 They want to have their property rezoned in order to run their son s established landscaping business with a nursery That is why they're seeking the B-2 zoning Because of their inexperience with rezoning matters, they did not realize the importance of explaining their intentions to the Planning Committee and they conventional application did not specifically address their plans for land use They are willing to go conditional if necessary and believe their failure to explain their purposes may have caused the staff to deny them They want to place their established family landscaping business at this location and are willing to meet all conditions, such as appropriate buffers The East Plan calls for this section to be predominately residential with some zoning for business The N C DOT states rezoning this site would not have significant impact on the surrounding thoroughfare system With the amount of residential zoning in place, they don't believe their plans would upset the balance of land use They have the support of neighbors who live on their street Some of them in the housing subdivision oppose the plan fearing lack of privacy, noise, property values decreasing and traffic Even without additional buffers, because of the size of their property and the shrubbery, the neighbors' property cannot be seen from the Cecils' so there would be no loss of privacy No heavy equipment will be run, so there will be no increase in noise These neighbors live on a two-lane road that will not have any access to the Cecil's property, so devaluation of property and increased traffic are not viable issues Our driveways will both be on Harris Boulevard Our neighbors on Harris Boulevard have called to express support for our rezoning as have others in our area Therefore, whether it be conventional or conditional, they are asking to be allowed to rezone

William Huffstetler, 201 Shenandoah Place said his property adjoins the rezoned area and he opposes it as do the people he has talked to He has lived in the area since 1962 and it has changed greatly It is a residential neighborhood composed mostly of retired people who aren t going anywhere This is the third time they have had to oppose rezoning this piece of property He doesn't want his home to be next to a business

Mrs Cecil said they understand and sympathize with their neighbors They had no idea the area would change so much in the fourteen years they have lived in Hickory Grove They have joined the other residents many times in fighting change, but we feel that change is inevitable because of the growth in the area They believe that a small family business will be a positive contribution to the community

Councilmember Martin asked if both ends of the driveway will exit off onto Harris Boulevard

Ms Cecil answered that is correct The State is closing their access to Robinson Church Road

nsg

Mr Martin asked if the lot adjacent to their property was also single family

Ms Cecil said it is multi-family

Councilmember McCrory asked how long the nursery had been there

Ms Cecil said they moved there in 1979 and the nursery was built then

Mr McCrory said it would be interesting to see when the zoning action right around that has occurred, to see if there have been any recent Council actions on that piece or the other piece right across from it

Mr Fields said they would check that out

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

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HEARING ON PETITION NO. 93-111 BY CATHERINE M. PIERCY FOR A CHANGE IN ZONING FROM R-3 TO R-4 FOR APPROXIMATELY 14.18 ACRES LOCATED ON THE EAST SIDE OF MASON DRIVE, NORTH OF MALLARD CREEK ROAD.

The scheduled public hearing was held on the subject petition

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

Walter Fields, Land Development Manager said this property is north of Mallard Creek Road The requested rezoning is from one single family classification to another

Councilmember Mangum asked how many more houses that would allow on the property

Mr Fields answered since it is 14 acres, it will allow 14 more houses

Frank Martin, 301 Hempstead Drive said they are buying this property and they think the use is consistent with the plans They are seeking more density since it will be more cost effective, but do not feel it will be appreciably visibly different to someone riding by The homes they do will be a valuable addition to the neighborhood

Charles R. Young, 3508 Finchley Drive said the neighbors had asked him to speak on their behalf This is an old area, and most of the people opposing are family members of the property owner who is seeking to sell her land The houses are on one acre lots and we feel if the R 3 zoning is all right, but the R-4 will put one third more houses on an area that is very small and access would be only on a dead end road which we all share Allowing two cars per house, that would mean more than 100 cars trying to get in and out of a two lane street They ask for the protest petition to be considered and help them keep the area in the way it has been

James Christenbury, 3513 Mason Drive said he was retired and had been living on Mason Drive for seven years He bought out there because it is like a country street in the city and most of the lots are at least 3/4 of an acre His is one and one-tenths of an acre He thinks it will look odd to turn into a street, go 300 feet, and all of a sudden there are a bunch of houses

sitting on small lots He asked that it not be rezoned to R-4

Mr Martin said the proposed rezoning is consistent with the plan since it is a residential single family category

Mr Christenbury said he felt it would be detrimental to the residents, because they are mostly retired senior citizens

Mr Martin reiterated he did not think there would be an appreciable difference between R-3 and R-4, and also he would point out there are a number of mobile homes within a couple hundred feet and a few hundred feet north is a large multi family development It is by no means a consistently large lot, single family neighborhood

Councilmember Martin asked about the road ingress and egress in the area

Mr Frank Martin said there is a paved, publicly maintained road which serves the 10 to 15 homes in the neighborhood It is comparable to other neighborhood streets

Mr Fields said it has been there for a number of years but would not meet today's collector street standards

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

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HEARING ON PETITION NO. 93-113 BY PAUL SIRES AND RUTH LYONS FOR A CHANGE IN ZONING FROM B-1 TO NS (NEIGHBORHOOD SERVICES) FOR APPROXIMATELY .27 ACRES LOCATED ON THE SOUTHEAST CORNER OF NORTH DAVIDSON STREET AND EAST 34TH STREET.

The scheduled public hearing was held on the subject petition

Paul Sires, 1001 East 35th Street said this is a 1903 model typical mill house located in the commercial district of Historic North Charlotte They want to maintain as close as possible the look of the house and not as a retial or commercial property It is on a double lot, part of which will be used as a sculpture garden in line with the neighborhood's beautification efforts They are also hoping that the NS rezoning will signal to other interested parties in the area that the City is interested in working with our district and helping to improve the business status out there Basically, it is small business incubation

Councilmember Majeed said he is proud of Mr Sires and Ms Lyons and all they are doing in the North Charlotte area

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

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DECISIONS

ORDINANCE NO. 3688-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR A 19.46 ACRE SITE

LOCATED ON THE EASTERLY SIDE OF IDLEWILD ROAD NORTH EAST OF ELWOOD DRIVE FROM R-9MF TO R-6(CD).

[Motion by Councilmember Mangum, seconded by Councilmember Hammond, and carried]
[unanimously, to approve Petition No 93 39 by John Crosland Company for the above]
[zoning change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43 at Pages 392 394

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ORDINANCE NO. 3689-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.73 ACRES LOCATED ON THE SOUTH SIDE OF MALLARD CREEK ROAD WEST OF W. T. HARRIS BOULEVARD FROM R-3 TO RE-2.

[Motion by Councilmember Mangum, seconded by Councilmember Scarborough, and]
[carried unanimously, to approve Petition No 93-45 by Young Men's Christian]
[Association of Charlotte for the above zoning change as recommended by the]
[Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43 at pages 395-397

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ORDINANCE NO. 3690-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13,260 SQUARE FEET LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION BETWEEN HARGROVE AVENUE AND ROSEMONT AVENUE FROM I-2 TO B-2.

[Motion by Councilmember Mangum, seconded by Councilmember Wheeler, and carried]
[unanimously, to approve Petition No 93-47 by Dan G Yates for the above zoning]
[change as recommended by the Zoning Committee]

The ordinance is recorded in full in Ordinance Book 43 at pages 398-400

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ORDINANCE NO. 3691-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13,260 SQUARE FEET LOCATED ON THE NORTHWEST CORNER OF NORTH TRYON STREET AND HILO DRIVE FROM R-4 TO B-2(CD).

[Motion by Councilmember Mangum, seconded by Councilmember Scarborough, and]
[carried unanimously, to approve Petition No 93-48 by Historic Rosedale Founda]
[tion for the above zoning change as recommended by the Zoning Committee]

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ORDINANCE NO. 3692-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FROM R-15MF(CD) FOR A 12.54 ACRE SITE LOCATED ON THE SOUTHWESTERLY CORNER OF FAIRVIEW

ROAD AND PROVIDENCE ROAD.

[Motion by Councilmember Mangum seconded by Councilmember Reid, and carried]
[unanimously, to approve Petition No 93-49 by Fairview Providence Associates]
[Limited Partnership for the above zoning change as recommended by the Zoning]
[Committee]

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ORDINANCE NO. 3693-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE, TO AFFECT A CHANGE IN ZONING FROM I-2 TO I-1 FOR APPROXIMATELY 10 66 ACRES LOCATED ON THE SOUTH SIDE OF THE I-85 SERVICE ROAD EAST OF STARITA ROAD.

[Motion by Councilmember Mangum seconded by Councilmember Wheeler, and carried]
[unanimously, to approve Petition No 93 50 by Toney Fitzgerald as recommended]
[by the Zoning Committee]

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PETITION NO. 93-53 BY MCDONALD'S CAFETERIA FOR A CHANGE IN ZONING FROM R-4 AND R-5 TO B-02 FOR APPROXIMATELY 2.5 ACRES LOCATED OFF THE EAST SIDE OF BEATTIES FORD ROAD BETWEEN "A" AVENUE AND WILSON AVENUE AND APPROXIMATELY 1.27 ACRES LOCATED ON THE NORTH SIDE OF I-85 AT THE END OF SPRING STREET, DENIED.

[Motion to approve subject petition by Councilmember Majeed, seconded by Coun-]
[cilmember Scarborough

[Substitute motion to deny by Councilmember Mangum, seconded by Councilmember]
[Hammond

Councilmember Majeed stated that the petitioner had some other property that they would compromise and not ask to be rezoned Looking at the business development in the area which has proved to be not only positive for the tax base but positive for creating jobs and for the Northwest Corridor, Mr Majeed feels it is not out of line with development in the area He hopes Council will take this into consideration and approve the rezoning so some continuity may exist in the area as far as zoning

Councilmember Martin reminded Council that he had been excused previously on this item

Councilmember Mangum said almost everyone was of the understanding that this was going to be used to put up billboard advertising in the neighborhood and he did not think this burden should be put on a neighborhood which is already fragile

Councilmember Scarborough said she would like for Council to listen very carefully to something about this petition When it was first brought to them, they did not know what the petitioners intended to do Since that time, Dudley Hair Products plans to build a training center on that property which would be very conducive to that neighborhood

Councilmember Hammond asked Mr Fields if this was a straight up zoning, not covered by a conditional plan

Mr Fields said that is correct

Ms Hammond said then they have no way to require that since it's not a CD application

Ms Scarborough said she understands that

Mayor Vinroot said the motion does to approve does surprise him, in light of a unanimous zoning committee recommendation shared by the staff If you look at the map, we really are taking business zoning into the heart of a fragile residential area He said he could not imagine Council doing this anywhere in this City very easily under these circumstances because we would certainly be opening the door to virtually everybody in between making the same petition, and there would be no rational reason for us to turn them down if we do it at this end of the neighborhood

Mr Majeed said he understands but the whole situation is unorthodox in this area

Mr Mangum said we tend to really be concerned about this portion of town and how it develops, but when it comes down to looking for conditional zoning on issues, it always seems this part of town is where we waiver more on conditional zonings,and we leave all these zonings wide open for later development It may develop the way the petitioner wants it right now, but without the conditional zoning on it,if something fails and falls apart, someone else can come in and put anything they want in there We are not helping the area by dong that, we're actually hurting them in the long run

The substitute vote to deny was recorded as follows

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

[Motion to adjourn at 6 45 p m by Councilmember Mangum, seconded by Council-]
[member Hammond, and carried unanimously]

Brenda R Freeze, City Clerk

Length of Meeting 45 minutes
Minutes Completed November 8, 1993

nsg

MAYOR'S SCHEDULE

October 20, 1993

<u>7:30 p.m. - Zoning Meeting</u>

1 Invocation by Rev Chris Ayers, Wedgewood Baptist Church

2 The following requests to speak to agenda items have been received
#1 Louis Bledsoe - Historic Landmarks Comm

(a) Agenda Item No 5, Hearing on Petition No 93-110

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

(b) Agenda Item No 6, Hearing on Petition No 93-111

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

1 Charles R Young, 3508 Finchley Drive - 568-5603 - AGAINST

2 James Christenbury, 3513 Mason Drive - 597-7963 - AGAINST

#3 - Fred Bryant - 1850 East 3rd Street
#4 - Brian Forest - 112 East 7th Street
#5 Betty Cecil - For - 6315 E WT Harris Blvd
William Huffstetler - against - 201 Shenandoah Place
#6 - Frank Martin - FOR - 301 Hempstead Place
#7 Paul Green, 1001 E 35th Street

The vote was taken and carried as follows

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

The ordinance is recorded in full in Book 43 at pages 387 through 391

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MOTION TO CONTINUE ITEM NO. 2

[Motion by Councilmember Hammond seconded by Councilmember Wheeler, to continue]
[Petition No 93 54, item no 2, for 60 days Motion carried unanimously]

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MOTION TO DEFER ITEM NOS. 8, 15 AND 16

[Motion by Councilmember Wheeler, seconded by Councilmember Hammond to defer for]
[thirty days Petition Nos 93 27, 93-51 and 93 52 Motion carried unanimously]

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HEARING ON PETITION NO. 93-108 BY UNIVERSITY RESEARCH PARK, INC., FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE DEVELOPMENT STANDARDS FOR THE RESEARCH DISTRICTS.

The scheduled public hearing was held on the subject petition

Fred Bryant, 1850 East 3rd Street, said this is a minor text amendment to clarify some setback requirements only in the research district It is joined in by the University Research Park and Queens Properties, who are the two principal owners of research zoned land If you have any questions, he will be glad to answer them but he sees no reason for any further clarification at this time

[Motion by Councilmember Hammond, seconded by Councilmember Wheeler and carried]
[unanimously, to close the hearing]

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HEARING ON PETITION NO 93-109 BY DR. ROBERT ZACK HULL FOR A CHANGE IN ZONING FROM R-22MF TO O-2(CD) FOR APPROXIMATELY .61 ACRES LOCATED ON THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF QUEENS ROAD AND EDGEHILL ROAD SOUTH.

The scheduled public hearing was held on the subject petition

Brian Jenest, 112 East 7th Street said he wanted to point out a couple of things First, the he has addressed a couple of concerns in the staff analysis They have taken off the plan the night time visitation since it was rendered unenforceable, and they have dealt with the residential characteristics portion of the plan There was a concern about a new 5000 square foot fitting on this site but they have determined that it can They also have endorsements from the

The City Council of the City of Charlotte, North Carolina convened for their regular Zoning Meeting on Monday, October 20, 1993 at 6 00 p m in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Richard Vinroot presiding Councilmembers present were Stan Campbell, Ann Hammond, Pat McCrory, Nasif Majeed, Tom Mangum, Hoyle Martin, Don Reid, Ella Scarborough and Lynn Wheeler

ABSENT: Dan Clodfelter and Cyndee Patterson

Members of the Zoning Committee of the Charlotte Mecklenburg Planning Commission sat with the Council and as a separate body held their public hearings on the zoning petitions Members present were Jack Byrne, Chair, Vicky Baucom Ike Heard Jr and Don Whelchel

ABSENT: Michael Bruno Pat Dayton and Leroy Hill

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INVOCATION

The invocation was given by Councilmember Pat McCrory

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PUBLIC HEARINGS

ORDINANCE NO. 3687-X DESIGNATING THE PARKS-CRAMER COMPANY COMPLEX AS AN HISTORIC LANDMARK.

The scheduled public hearing was held on the subject designation

Louis Bledsoe, Historic Landmarks Commission said this five acre complex composed of three buildings is located at 2000 South Boulevard The owner, South Boulevard Properties, is in favor of the designation The property has been vacant, but is now being developed for a mixed use complex of office and retail space It was built in 1919 and represents the heyday of textile manufacturing in this area The company made humidifying and air conditioning equipment for the cotton textile industry The company belonged to Stuart Cramer, a world famous inventor of air conditioning and humidifying equipment and a prominent textile mill engineer and contractor in this area This is one of the finest surviving industrial properties in the city The Division of Archives and History in Raleigh supports this designation and we believe it possesses the special significance that properties must have to be designated and we recommend the designation as an historic landmark

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

[Motion by Councilmember Hammond, seconded by Councilmember Wheeler, to adopt]
[the subject ordinance designating the Parks Cramer complex as an historic land-]
[mark]

Councilmember Tom Mangum wanted it on record that he is not voting in favor of this ordinance He said this area is coming back to life, and he believes the trolley situation, the football stadium and the convention center will eventually affect the area and he can t see giving up another $7,000 of income to the City to designate this particular piece of property Every time we take these off the tax rolls, the citizens are paying and he doesn't think it is necessary here

nsg

RECEIVED
OCT. 18 1993
OFFICE OF CITY CLERK

October 16, 1993

To whom it may concern:

We have asked Mr Robert Young to represent us on the matter of rezoning application by Catherine Pence (Petition # 93-111) to the Charlotte City Council and Charlotte-Mecklenberg Planning Commission We oppose the petition.

Su-Shung Chen
Tai-Lih Chen

1. **Villa Courts - Request for City Loan**

Action: Request City Council at its September 27, 1993 meeting to approve:

(A) loan to Fred Stephens in the amount of $56,681 using Innovative Housing funds to finance documented rehabilitation expenses incurred at 815, 817 and 819 Villa Courts since November 2, 1991, and

(B) loan to Fred Stephens in the amount of $56,991 using HUD rental rehabilitation funds to finance 50% of the remaining cost to rehabilitate 20 two-bedroom units located at 815, 817 and 819 Villa Courts.

Explanation of Request:

- Total project cost to rehabilitate 815, 817 and 819 Villa Courts is $170,663. Funding of the project cost will be:

$ 56,681	Innovative Housing Loan
56,991	Rental Rehabilitation Loan
56,991	Private Mortgage Loan
$170,663	

Approved by Council

- The City loan of $56,681 using Innovative Housing funds will finance the difference between the original total project cost of $170,663 and the remaining project cost of $113,982 to rehabilitate the 20 two-bedroom units at 815, 817 and 819 Villa Courts in the Grier Heights community.

- The $56,991 City loan using HUD Rental Rehabilitation funds will finance 50% of the remaining project cost of $113,982. The other 50% will be financed by a private mortgage loan from Realty Investments.

- The terms of the two loans of $56,681 and $56,991 are 20-year deferred payment loans with a 5% fee due upon date of repayment, which will coincide with the maturity of the owner's private mortgage financing or sale of the property, whichever event occurs first.

- Federal regulations prohibit using Federal funds for work completed prior to execution of a loan agreement; therefore, local Innovative Housing funds are the only source of funding available for the rehabilitation expenses already incurred by Mr. Stephens.

- Utilizing Innovative Housing funds for this project will reduce Innovative Housing funds set aside for other housing programs by $56,681.

Background:

A $56,991 loan request for Fred Stephens using HUD rental rehabilitation funds was deferred by City Council at its September 13, 1993 to enable City staff to determine how to honor his original rental rehabilitation loan request.

Staff met with Mr. Stephens on September 16, 1993 and agreed to fund the rehabilitation costs he has incurred at 815, 817 and 819 Villa Courts since the date of his original rental rehabilitation application, which was November 2, 1991.

Fred Stephens has secured a private mortgage loan from Realty Investments to finance the remaining 50% of the $113,982 project cost. This loan will be for a term of 20 years with an annual interest rate of 10%.

The owner's private mortgage loan will be deposited into a City escrow account, along with the City's $56,991 rental rehabilitation loan, and will be drawn down on a dollar for dollar basis as work is completed.

The $56,681 loan will be disbursed to Fred Stephens based on documented rehabilitation expenses incurred since November 2, 1991 regarding the rehabilitation of 815, 817 and 817 Villa Courts.

27 10

REQUEST FOR COUNCIL ACTION

Action Requested: City Council choose an alternate for the Idlewild Road North/Harris Boulevard minor intersection project.

Explanation of Request: Council directed staff to develop alternate solutions in response to complaints made by affected property owners who appeared at the September 13 Council Meeting.

Description of Project: This minor intersection project is located approximately a half mile south of the Harris Boulevard/Albemarle Road intersection. Once the NCDOT has completed widening Harris Boulevard, there will be two southbound lanes of traffic on Harris Boulevard coming from the University area and heading towards Independence Boulevard. The traffic along Harris Boulevard will increase, causing greater congestion at the Idlewild North intersection. The traffic signal at the Harris Boulevard/Idlewild Road North intersection creates a potential congestion and safety problem.

There is presently one turn lane along Idlewild Road North at Harris Boulevard. The project will construct two left turn only lanes, and one right turn only lane along Idlewild Road North. Two new turn lanes will allow us to adjust signal timing to improve traffic flow on both Idlewild Road North and Harris Boulevard. The eventual goal is to have a coordinated signal system along Harris Boulevard. Also, the proposed right turn only lane will provide better service for express buses coming from the City's Park-N-Ride lot on Idlewild Road North at Lawyer's Road.

- Recommended Course of Action: **Build the project as designed and compensate all three owners based upon the appraisals. We will acquire only the land that is necessary to construct the project.**
  - **Due to the location of the new property line, the appraiser is of the opinion that there are no severance damages to these properties attributed to this project. Real Estate costs are estimated at $13,500 for all three parcels, and construction is estimated to be $70,000.**
  - The City had previously paid the Reynolds for damages resulting from the construction of Harris Boulevard.
  - Least expensive option. Less adverse affect to surrounding residential properties.

Approved by Council

Other options:

- **Alternate #1: Build the project as designed, but purchase the entire properties of all three affected homeowners.**
  - Considerations:
    - Purchasing these three properties without project justification would

establish a precedent.

- Total real estate costs are estimated at $325,000, including relocation, and construction is estimated at $70,000.
- No source of funding has been identified.
- The East District Plan recommends purchasing property adjacent to the Albemarle Road Recreation Center for possible future expansion, however, County Parks and Recreation has no immediate plans nor funds to do so.
- Project would be delayed indefinitely until funds are identified and allocated.

- Alternate #2: Widen the road on the opposite side.
  - Considerations:
    - Would produce a less safe alignment.
    - Construction would cost approximately $75,000 more than staff's recommended alternate.
    - No property acquisition from the Reynolds, Ginns, or Wilsons.
    - Would impact three property owners on opposite side of Idlewild Road North, who are not affected by the current alignment.

Source of Funding: Fund 2010, Center 245.00, Object Code 35210

Clearances: This Council Action Request has been reviewed by the Department of Transportation, Public Facilities and Engineering, and Planning Commission Staff. All concur with the recommended course of action.

Background: During these acquisition efforts, City staff became aware of the Reynolds' concerns that resulted from the earlier acquisition of their properties for the construction of Harris Blvd. The Reynolds contend that any additional loss of their property will cause them severe financial loss and make it difficult to have peaceful enjoyment of their property. An independent real estate appraiser was contracted to assess the effects that the acquisition of this land would have on all three properties. He concluded that this project did not cause any measurable damages to the properties. The road will be a minimum 92 feet from the Reynolds' house, and the right-of-way will be a minimun 85 feet away, after construction of the Idlewild North improvements. The damages paid in 1978 from the acquisition of right-of-way for the construction of Harris Boulevard were intended to mitigate the loss in value due to dividing the property into two parcels. The settlement was based on an appraisal of $12,500.00 plus $5,500.00 in the consent judgement. In addition, the City agreed to give them 8,610 square feet of residual property adjacent to their southern property line which adjoins Idlewild Road North at Harris Boulevard. The rear of the house was

and still is 45 feet from the Harris Boulevard travel line and this was considered in the original appraisal of the acquisition of Harris Boulevard. Since then, the Reynolds have sold the vacant parcel, which is now improved with a duplex.

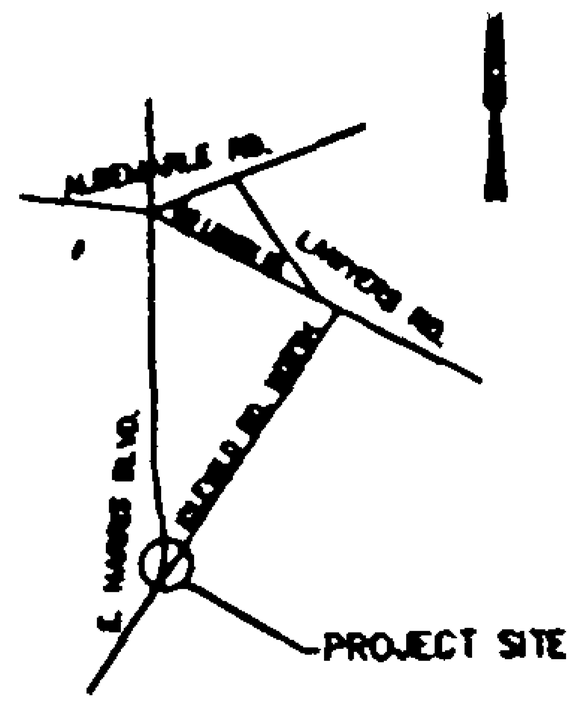
The Reynolds requested during their September 13 presentation that the property be rezoned to a business designation. All three properties are currently zoned R-17MF (multi-family). Retail zoning is not recommended by Planning Commission staff due to the large amount of nearby parcels already zoned for business, some of which are vacant parcels. These three properties are also surrounded with residential use (either single family or multi-family zoning). Changing the zoning to business may negatively impact this residential neighborhood. The property owners can market their property for multi-family use to private developers under the existing zoning. They may also request zoning change for a business use, however, Planning Commission staff does not favor this proposed zoning.

Attached is a map of the intersection project.

ENGRCA3.927

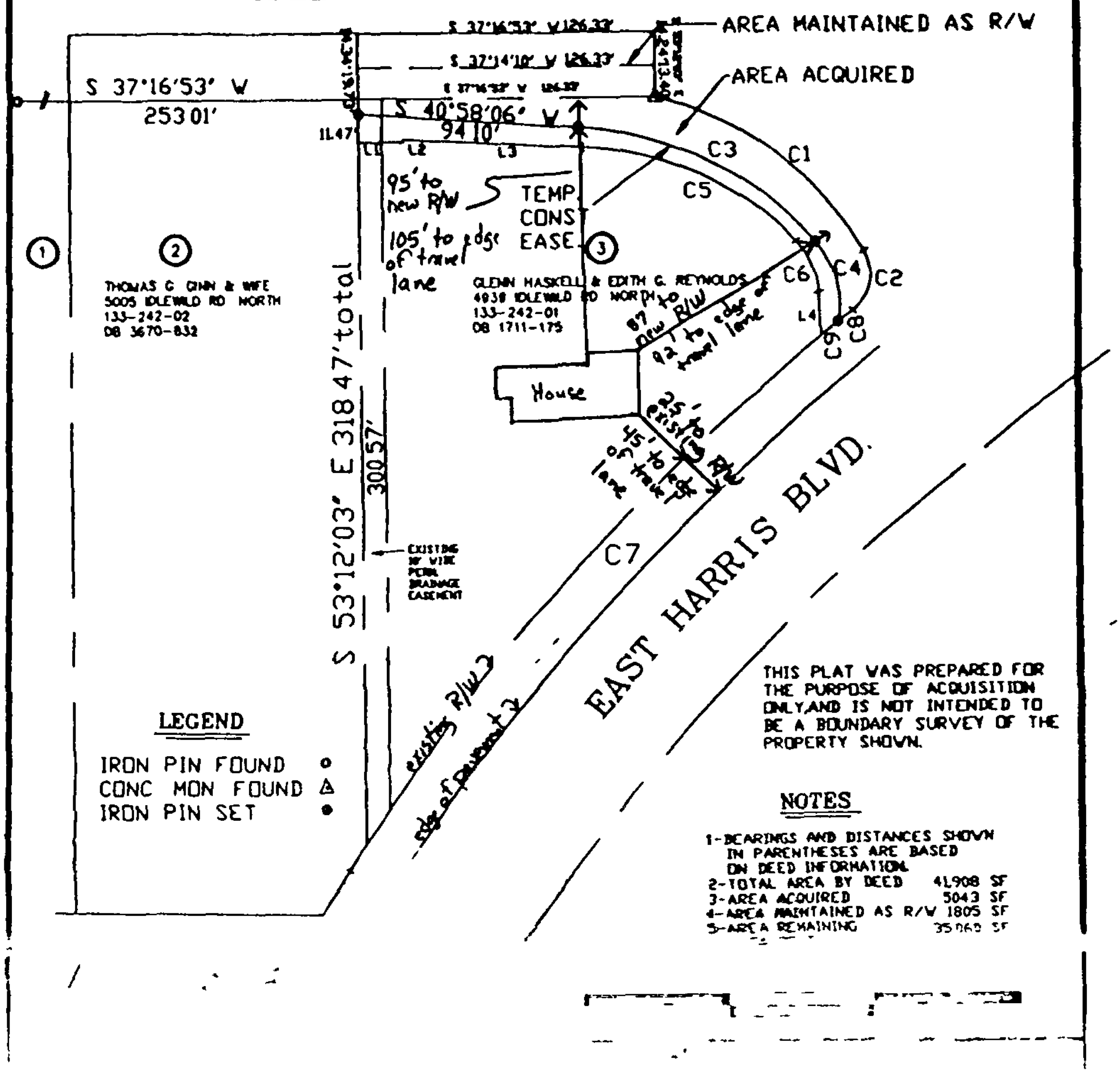
LINE	DIRECTION	DIS
L1	S 23°57' W	18 [illegible]
L2	S 48°47'26" E	0 90'
L3	S 40°03'53" W	76 84'
L4	N 55°30'27" W	18 54'

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	138 37'	112 07'	109 03'	S 74°54'57" W
C2	20 00'	28 10'	25 85'	N 41°37'52" W
C3	140.50'	113.73'	110 65'	S 64°09'28" W
C4	40.54'	36 62'	35.39'	N 67°39'10" W
C5	130 00'	100.15'	97 70'	S 62°08'08" W
C6	35 00'	24 61'	24 11'	N 75°39'02" W
C7	956 73'	290 03'	288 92'	N 11°04'44" W
C8	956.73'	7 59'	7 59'	N 01°36'53" W
C9	956 73	9.22'	9 22'	N 02°07'05 W



VICINITY MAP
NTS

IDLEWILD ROAD NORTH



THIS PLAT WAS PREPARED FOR THE PURPOSE OF ACQUISITION ONLY AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.

LEGEND

IRON PIN FOUND ○
CONC MON FOUND △
IRON PIN SET ●

NOTES

1-BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE BASED ON DEED INFORMATION.
2-TOTAL AREA BY DEED 41,908 SF
3-AREA ACQUIRED 5043 SF
4-AREA MAINTAINED AS R/W 1805 SF
5-AREA REMAINING 35,060 SF

Let give a way to solve that to I trying to
safe you all a way to safe money & buses.
Please look into this letter very carefully
and dont make a quick decision think this over
very carefully hang onto this letter you might
need it some day to look back onto it you
every get a simply problem like this one
dont take this letter lekely at all I
wont to give a way to solve this problem.
To safe the buses & money cost is this
issue on this letter

from a American
Native of Mecklenburg
who live here all his life
and city council fan & viewer
Douglas W Johnson

any ~~R~~ Reponse
Belinda
J Mayor

RECEIVED
OCT 18 1993
OFFICE OF CITY CLERK

October 25th 1993

To All The City Council Members

I like you all To look into Trying To fine a way To cut the cost Down on The Buses because They are getting abuse They always every other year being replace for New Buses I feel strongly It a waste of Money if you can fine a way To Solve from replacing them also I feel strongly the Buses are a good thing To have But I feel every time you Replace a Bus or Two it costing you all so much Money The Budget getting low everytime also I feel strongly It could come to a Bond in a Election some Day To have The American Votes To have a Bond To vote on in Nov 2nd whatever year. To say either yes or No would you Pay more To Ay To Buy a Bus or The Bus fare goes up with the cost of fuing being high and People like me homeless & Jobless and other people having hard Times in the world let Try To fine a way To safe cost in Buying New Buses I feel it a waste Do you think every time someone want a New car every year could effort it They might in 3 or four years After They safe up But Not every year. Just To keep up with the New year & New look in the New Car for That year.

I feel The Bus is like a Person we The Person have a heart The Bus has a motor and that is it heart every time it Run it is wearing it out over a Period of time Let appreciate our Buses & take care of them better than running them to Death over 18 to 19 hrs a Day for service so we can safe our Buses from being Replace I know you need money & customer To pay for the Buses But

CHARLOTTE

MEETINGS IN OCTOBER '93

Revised: October 4, 1993

NOTE: All Revisions are in italic type and denoted by arrows in the left margin.

THE WEEK OF OCTOBER 4 - 8

4 Monday 9 00 a m	AUDITORIUM COLISEUM CONVENTION CENTER AUTHORITY New Convention Center Office 2940 One First Union Center
12 00 Noon	PLANNING COMMISSION/Work Session CMGC 8th Floor Conference Room
3 00 p m	CITY COUNCIL PUBLIC SERVICES COMMITTEE CMGC Room 270
5 00 p m	CITY COUNCIL WORKSHOP CMGC Conference Center
5 Tuesday 2 00 p m	PLANNING COMMISSION/Planning Committee CMGC 8th Floor Conference Room
7 00 p m	YOUTH INVOLVEMENT COUNCIL CMGC Conference Center
6, Wednesday 8 30 a m	CIVIL SERVICE BOARD CMGC 7th Floor Conference Room
4 00 p m	CITY COUNCIL REGIONALISM COMMITTEE CMGC Conference Center
7 Thursday 10 00 a m	PARADE PERMIT COMMITTEE CMGC 6th Floor Conference Room
2 00 p m	ADVISORY ENERGY COMMISSION Hal Marshall Center 700 N Tryon St Auditorium #1
3 30 p m	PLANNING COMMISSION/Planning Committee CMGC 8th Floor Conference Room

THE WEEK OF OCTOBER 11 - 15

11 Monday 5 00 p m	COUNCIL/MANAGER DINNER Conference Center
6 30 p m	CITIZENS HEARING CMGC Meeting Chamber (Televised Live on Cable Channels 16/32)
7 00 p m	CITY COUNCIL MEETING CMGC Meeting Chamber (Televised Live on Cable Channels 16/32)
7 00 p m	HISTORIC LANDMARKS COMMISSION Thies Bldg 500 N Tryon St Suite 200
12 Tuesday 3 00 p m	HOUSING APPEALS BOARD CMGC 5th Floor Conference Room
4 00 p m	AIRPORT ADVISORY COMMITTEE Charlotte/Douglas International Airport Conf Rooms A&B
13 Wednesday 8 00 a m	CLEAN CITY COMMITTEE CMGC 8th Floor Conference Room
3 00 p m	HISTORIC DISTRICT COMMISSION CMGC 8th Floor Conference Room
4 00 p m	CITY COUNCIL PUBLIC SAFETY COMMITTEE CMGC Meeting Chamber Conference Room
14 Thursday 7 30 am	PLANNING COMMISSION/Executive Committee CMGC 8th Floor Conference Room
••• 14 Thursday 8 00 a m	*CITY ZONING BOARD OF ADJUSTMENT/Special Meeting - Building Standards Training Room, 700 N Tryon St (PURPOSE Hearing for one case on Charlotte Dr CONTACT Phyllis Powell, 336 2831)*

(Continued on Back)

Public Service And Information Department

600 East Fourth Street

Charlotte NC 28202 2861

704/336-2395

MEETINGS IN OCTOBER '93 (Continued)

THE WEEK OF OCTOBER 18 - 22

17 19, Sunday Tuesday	N C LEAGUE OF MUNICIPALITIES CONFERENCE Fayetteville NC
18, Monday 8 00 a m	MAYOR S INTERNATIONAL CABINET CMGC Conference Center
19, Tuesday 2 00 p m	HOUSING AUTHORITY Administrative Office 1301 S Blvd
6 00 p m	HOUSING AUTHORITY/PUBLIC FORUM Pine Valley/Turnkey III 1700 Longleaf Drive
7 00 p m	YOUTH INVOLVEMENT COUNCIL CMGC Conference Center
20, Wednesday 5 00 p m	CITIZENS CABLE OVERSIGHT COMMITTEE CMGC 7th Floor Conference Room
5 00 p m	COUNCIL/MANAGER DINNER CMGC Meeting Chamber Conference Room
6 00 p m	CITY COUNCIL MEETING/Zoning Hearings CMGC Meeting Chamber
7 00 p m	METROPOLITAN PLANNING ORGANIZATION CMGC Conference Center
21, Thursday 2 00 p m	CMUD ADVISORY COMMITTEE Utility Department 5100 Brookshire Blvd
4 00 p m	CITY COUNCIL PLANNING COMMITTEE CMGC Room 270
7 00 p m	CHARLOTTE TREE ADVISORY COMMISSION CMGC Conference Center

THE WEEK OF OCTOBER 25 - 29

25 Monday 12 00 Noon	PLANNING COMMISSION/Executive Committee CMGC 8th Floor Conference Room
4 30 p m	PLANNING COMMISSION/Zoning Work Session CMGC 8th Floor Conference Room
5 00 p m	COUNCIL/MANAGER DINNER CMGC Conference Center
6 30 p m	CITIZENS HEARING CMGC Meeting Chamber (Televised Live on Cable Channels 16/32)
7 00 p m	CITY COUNCIL MEETING CMGC Meeting Chamber (Televised Live on Cable Channels 16/32)
26, Tuesday 1 00 p m	ZONING BOARD OF ADJUSTMENT Hal Marshall Center 700 N Tryon St , Training Conference Room
4 30 p m	CHARLOTTE MECKLENBURG ART COMMISSION Arts &Science Council Building 214 N Church St
28 Thursday 7 30 a m	FIREFIGHTER S RETIREMENT BOARD 428 E Fourth St Suite 205
4 30 p m	CHARLOTTE TRANSIT ADVISORY COMMITTEE CMGC Room 119

NOTE These organizations do not have meetings scheduled for OCTOBER

Community Relations Committee
Insurance & Risk Management Advisory Board
Private Industry Council

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Ann Hammond*

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

Council Agenda

Wednesday, October 20, 1993

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

6 00 p.m - ZONING HEARINGS
Meeting Chamber

Invocation by Rev. Chris Ayers, Wedgewood Baptist Church

3687-# pg 387 391
BK 43

Ord. #1

ITEM NO.

PUBLIC HEARINGS

1 Hearing to consider designation of the property known as the "Parks-Cramer Company Complex" (specifically the entire exterior and the entire interior of the manufacturing building, the entire exterior and the entire interior of the shipping/receiving/pipe storage building, the entire exterior and the entire interior of the infill building, the entire exterior and the entire interior of the storage building located within the boundaries of Tax Parcel Number 121-031-09) located on South Boulevard, Charlotte, North Carolina as an historic landmark

Hammond/Wheeler Hrng Close Hrng. Hammond/Wheeler App Ord. No-Mangum

The Historic Properties Commission bases its judgement on the following considerations

1. built in 1919 and expanded in the ensuing decades, the Parks-Cramer Company Complex represents the heyday of textile manufacturing and related industries in and around Charlotte,

2. the Parks-Cramer Company Complex is among the finest surviving early industrial properties located in the historic Dilworth factory district,

3 the Parks-Cramer Company Complex is associated with Charlottean Stuart Warren Cramer, noted textile-mill engineer and inventor,

4 the Parks-Cramer Company Complex incorporates innovations in form and construction that illustrate the evolution of industrial design and site planning in the early twentieth century

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

Based on the current assessment and tax rate, the amount of deferrable taxes would be $2,511 80 for the City of Charlotte and $4,750 71 for Mecklenburg County

Recommend adoption of an ordinance designating the Parks-Cramer Company Complex, including the exterior and interior, as well as the ground upon which it sits, as an historic landmark

Attachment No 1

2. (93-54) Hearing on Petition No 93-54 by Fletcher G Keith for a change in zoning from B-1SCD to B-1(CD) for approximately 4 92 acres located on the northwesterly corner of U S Highway 29 and Carley Boulevard

Hammond/Wheeler Continue Hearing for 60 days - requested by petitioner Unan.

This petition was deferred at the September 22, 1993 meeting

Attachment No 2

3 (93-108) Hearing on Petition No. 93-108 by University Research Park, Inc , for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the development standards for the Research Districts

Hammond/Wheeler Close Hrng. Unan.

Attachment No 3

4 (93-109) Hearing on Petition No 93-109 by Dr Robert Zack Hull for a change in zoning from R-22MF to O-2(CD) for approximately 61 acres located on the southwesterly corner of the intersection of Queens Road and Edgehill Road South

McCrory/Wheeler Close Hrng. Unan.

Attachment No 4

5 (93-110) Hearing on Petition No 93-110 by Ronald S and Betty B Cecil for a change in zoning from R-3 to B-2 for approximately 1.63 acres located on the northeasterly corner of the intersection of East W T Harris Boulevard and Robinson Church Road

Wheeler/Mazur Close Hrng. Unan.

Attachment No 5

6 (93-111) Hearing on Petition No 93-111 by Catherine M. Piercy for a change in zoning from R-3 to R-4 for approximately 14.18 acres located on the east side of Mason Drive, north of Mallard Creek Road.

Attachment No 6

Scarborough/Wheeler Close Hrng. unan

7. (93-113) Hearing on Petition No 93-113 by Paul Sires and Ruth Lyons for a change in zoning from B-1 to NS (Neighborhood Services) for approximately 27 acres located on the southeast corner of North Davidson Street and East 34th Street

Attachment No 7

Wheeler/Scarborough Close Hearing unan

DECISIONS

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

Wheeler/Hammond Defer 93-27, #15 93-51 & #16-93-52 for 30 days unan.

This hearing was continued from the June 21 meeting

At the July 19th meeting, the petitioner requested some time to work on his site plan, therefore the Zoning Committee did not take any action on this petition at that time

This petition was deferred at the September 22, 1993 meeting

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

Attachment No 8

Ord #2

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

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

Mangum/Hammond App. unan

This petition was deferred at the September 22, 1993 meeting.

The Zoning Committee recommends that this petition be approved

3688-Z Pg. 392/394

Attachment No. 9

Bk 43

3689-8 395-397 Ord. #3

10. (93-45) Decision on Petition No. 93-45 by Young Men's Christian Association of Greater Charlotte for a change in zoning from R-3 to RE-2 for approximately 5.73 acres located on the south side of Mallard Creek Road west of W T Harris Boulevard.

Mangum/Scarborough App. unan

The Zoning Committee recommends that this petition be approved.

Attachment No. 10 BK 43

3690-8 pg 398-400 Ord #4

11 (93-47) Decision on Petition No 93-47 by Dan G Yates for a change in zoning from I-2 to B-2 for approximately 13,260 square feet located on the northeast corner of the intersection between Hargrove Avenue and Rosemont Avenue

Mangum/Wheeler App. - unan

The Zoning Committee recommends that this petition be approved

Attachment No 11 BK 43

3691-8 pg. 401-403 Ord. #5

12 (93-48) Decision on Petition No 93-48 by Historic Rosedale Foundation, Inc for a change in zoning from R-4 to B-2(CD) for an 8 24 acre site located on the northwest corner of North Tryon Street and Hilo Drive

Mangum/Scarborough App. - unan

The Zoning Committee recommends that this petition be approved

Attachment No. 12 BK 43

3692-8 pg. 404-406 Ord #6

13 (93-49) Decision on Petition No 93-49 by Fairview Providence Associates Limited Partnership for a change in zoning from R-15MF(CD) to R-17MF(CD) for a 12 54 acre site located on the southwesterly corner of Fairview Road and Providence Road.

Mangum/Reid App unan

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

The Zoning Committee recommends that this petition be approved

Attachment No 13 BK 43

3693-8 pg. 407-409 Ord #7

14 (93-50) Decision on Petition No 93-50 by Toney Fitzgerald for a change in zoning from I-2 to I-1 for approximately 10 66 acres located on the south side of the I-85 Service Road east of Starita Road

Mangum/Wheeler App unan

The Zoning Committee recommends that this petition be approved

Attachment No. 14 BK 43

15 (93-51) Decision on Petition No 93-51 by Samuel M Youngblood, III for a change in zoning from R-12MF(CD) to B-D for a 4,280 square foot parcel bounded by Neal Drive, McGill Street and Heathway Drive.

Deferred for 30 days

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

The Zoning Committee deferred action on this petition for 30 days

Attachment No 15

16 (93-52) Decision on Petition No 93-52 by Alan and Terry Beaty for a change in zoning from I-1 to I-2 for approximately 5 27 acres located on the northeasterly side of Brookshire Boulevard east of Caldwell Williams Road.

Defined for 30 days

A protest petition has been filed and is not sufficient to invoke the 20% rule

The Zoning Committee deferred action on this petition for 30 days

Attachment No 16

17 (93-53) Decision on Petition No. 93-53 by McDonald's Cafeteria, Inc. for a change in zoning from R-4 and R-5 to B-2 for approximately 2 5 acres located off the east side of Beatties Ford Road between "A" Avenue and Wilson Avenue and approximately 1 27 acres located on the north side of I-85 at the end of Spring Street.

Majed/Scarborough app.

Subst. Mayer/Hammond Deny

The Zoning Committee recommends that this petition be denied

Attachment No 17

No-Majed + Wheeler

Denied 7-3

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 5, 1993

Mayor and City Council:

RE: Petitions to be Heard in October, 1993

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Wednesday, October 20, 1993 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

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

Sincerely,

Walter G Fields (LS)

Walter G. Fields, III
Land Development Manager

WGFIII:mlj

Attachments

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

Request for Council Action

Action Requested:	Consideration of an Ordinance designating the property known as the "Parks-Cramer Company Complex" (specifically the entire exterior and the entire interior of the manufacturing building, the entire exterior and the entire interior of the shipping/receiving/pipe storage building, the entire exterior and the entire interior of the infill building, the entire exterior and the entire interior of the storage building located within the boundaries of Tax Parcel Number 121-031-09) located on South Boulevard, Charlotte, North Carolina as historic landmark.
Responsible Department:	Charlotte-Mecklenburg Historic Landmarks Commission
Background	The Commission judges that the property known as the Parks-Cramer Company property does possess special significance in terms of Charlotte and Mecklenburg County. The Commission bases its judgement on the following considerations· 1) built in 1919 and expanded in the ensuing decades, the Parks-Cramer Company Complex represents the heyday of textile manufacturing and related industries in and around Charlotte; 2) the Parks-Cramer Company Complex is among the finest surviving early industrial properties located in the historic Dilworth factory district; 3) the Parks-Cramer Company Complex is associated with Charlottean, Stuart Warren Cramer, noted textile-mill engineer and inventor; 4) the Parks-Cramer Company Complex incorporates innovations in form and construction that illustrate the evolution of industrial design and site planning in the early twentieth century.
Explanation of Request:	Pursuant to Chapter 160A, Article 19 of the General Statutes of North Carolina, City Council, following the joint public hearing held by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission, may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
Deferrable Taxes:	Attached is a letter from the Mecklenburg County Tax Administrator stating that the subject property's deferrable taxes would be $2,511.80 for the City of Charlotte and $4,750.71 for Mecklenburg County.
Clearances·	The Department Review Process revealed no conflict between the proposed designation and other City projects except for comments regarding a future right-of way.

Bibliography:	Survey and Research Report on the Parks-Cramer Company Complex (June 2, 1993)
Date Submitted:	October 4, 1993
Agenda Date Requested:	October 20, 1993
Consequences if Agenda Date is delayed or Action is deferred:	Would delay historic designation of the property thereby depriving the property of the legal safeguards against material alteration or demolition which are provided by historic landmark status
Contact Person for Questions from City Manager's Office:	Dr Dan L Morrill, HLC Consulting Director (376-9115)
Authorized by:	Dr. Dan L Morrill, HLC Consulting Director
List Attachments:	1. Draft of Ordinance 2. Survey and Research Report (on file at City Clerk's office) 3. Letter with Vote of Charlotte-Mecklenburg Historic Landmarks Commission 4. Tax Exemption Letter 5 Title Search by HLC Attorney 6. Letter from North Carolina Division of Archives and History 7. Permission of Owners for Interior Design Review 8. Comment Summary of Department Review

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "PARKS CRAMER COMPANY COMPLEX" (LISTED UNDER TAX PARCEL NUMBER 121-031-09 AND INCLUDING THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE MANUFACTURING BUILDING, THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE SHIPPING/RECEIVING/PIPE STORAGE BUILDING, THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE INFILL BUILDING, THE ENTIRE EXTERIOR AND THE ENTIRE INTERIOR OF THE STORAGE BUILDING LOCATED WITHIN THE BOUNDARIES OF SUCH TAX PARCEL) AS AN HISTORIC LANDMARK. THE PARCEL OF LAND TO BE DESIGNATED INCLUDES ALL OF THE LAND LISTED UNDER TAX PARCEL NUMBER 121-031-09 IN THE MECKLENBURG COUNTY TAX OFFICE. THE PROPERTY, OWNED BY SOUTH BOULEVARD COMPANIES, INC., IS LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF SOUTH BOULEVARD AND TREMONT AVENUE, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

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 City Council of the City of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the day of , 19 , on the question of designating a property known as the "Parks Cramer Company Complex", (listed under Tax Parcel Number 121-031-09) as a historic landmark; and

WHEREAS, the "Parks Cramer Company Complex", built in 1919 and expanded in the ensuing decades, represents the heyday of textile manufacturing and related industries in and around Charlotte; and

WHEREAS, the "Parks Cramer Company Complex" is among the finest surviving early industrial properties located in the historic Dilworth factory district; and

WHEREAS, the "Parks Cramer Company Complex" is associated

with Stuart Warren Cramer, noted textile-mill engineer and inventor; and

WHEREAS, the "Parks Cramer Company Complex" incorporates innovations in form and construction that illustrate the evolution of industrial design and site planning in the early twentieth century; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over the interior of the buildings which constitute the "Parks Cramer Company Complex" because consent for interior design review has been given by the Owner, and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the "Parks Cramer Company Complex" (listed under Tax Parcel Number 121-031-09) possesses 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 "Parks Cramer Company Complex" possesses special significance in terms if its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Parks Cramer Company Complex" (listed under Tax Parcel Number 121-031-09) is vested in fee simple to South Boulevard Companies, Inc.

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

1. That the property known as the "Parks Cramer Company Complex" (listed under Tax Parcel Number 121-031-09 and including the entire exterior and the entire interior of the manufacturing building, the entire exterior and the entire interior of the shipping/receiving/pipe storage building, the entire exterior and the entire interior of the infill building, and the entire exterior and the entire interior of the storage building, and all of the land included in Tax Parcel Number 121-031-09 recorded in the Mecklenburg County Tax Office) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina For purposes of description only, the location of said property is noted as being situated on the southwest quadrant of the intersection of Tremont Avenue and South Boulevard, Charlotte, Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the Survey and Research Report on the Parks Cramer Company Complex (June 2, 1993).

2. That said interior is more specifically defined as the the steel sash factory windows, steel-framed monitor roofs with operable light windows, steel I-beam vertical supports, metal spiral staircase in the northern section of the manufacturing building, representative examples of both the sliding interior fire doors and the loading door leading to the exterior, and representative portions of the wood block flooring used in the production areas.

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

4. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, 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 property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

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

6. That the owners and occupants of the property known as "Parks Cramer Company Complex" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

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

Adopted the day of , 1993 by the City Council of the City of Charlotte, North Carolina

Clerk to City Council

Approved as to form:

City Attorney

MECKLENBURG COUNTY

Office of the Tax Administrator

July 29, 1993

Dr. Dan L. Morrill
Consulting Director
Architectural/Historical Consultant
Charlotte-Mecklenburg Historic Landmarks Commission
P. O Box 35434
Charlotte, North Carolina 28235

RE: Parcel Number 121-031-09
Parks-Cramer Company Complex
South Boulevard
Charlotte, North Carolina

Dear Dr Morrill:

Based on the current assessment and proposed tax rate, the potential amount of deferrable taxes on the above mentioned property would be $2,511.80 for the City of Charlotte and $4,750 71 for Mecklenburg County.

Very truly yours,

Bernard White
Assistant Tax Administrator

BW/sn

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

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

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

CHARLES J HENDERSON
(RETIRED)
THOMAS G LANE JR
(RETIRED)
TELEPHONE (704) 372-4884
TELECOPIER (704) 332 0585

August 3, 1993

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

Re: **PARKS-CRAMER COMPANY COMPLEX**
2000 South Boulevard, Charlotte, North Carolina

Dear Ms. Black:

Pursuant to your request of June 22, 1993, we have made a careful examination of the public records of Mecklenburg County for the purpose of ascertaining the proper parties to be notified of a joint public hearing.

For your information, our search reveals that the present owner of the above-described property is **SOUTH BOULEVARD PROPERTIES, INC. (formerly known as Parks-Cramer Company), a Massachusetts corporation, 91 Weston Road, Lincoln, Massachusetts 01773, in care of Roy H. Todd, Registered Agent, 2200 South Boulevard, P. O. Box 31607, Charlotte, North Carolina 28231**, subject to the lien of Deed of Trust recorded in the Mecklenburg Public Registry in Book 6327, Page 174, in favor of:

Francis I. Parker, Trustee for
Flakt Products, Inc.
500 Shepherd Street
Winston-Salem, North Carolina 27103

Flakt Products, Inc. is also a Lessee of the property under an unrecorded Lease Agreement dated August 17, 1988.

There are other MEMORANDA OF LEASE recorded in:

Book 6431, Page 767, to Cousins Family Restaurant, Inc., dated December 17, 1990; and

Book 6954, Page 143, to Todd's Flowers, Inc., dated June 29, 1992.

There is a NOTICE dated April 25, 1991, recorded in Book 6547, Page 851, in the Mecklenburg Public Registry, regarding a waste management unit (WMU I) located on the property, which has been used to manage hazardous waste under North Carolina and United States law.

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

With kind regards, I am

Yours very truly,

H. Parks Helms

HPH:esm
Enc.

North Carolina Department of Cultural Resources

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

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

July 8, 1993

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

Re: Survey and Research Report on the **Parks-Cramer Company Complex, South Boulevard, Charlotte, Mecklenburg County**

Dear Ms. Black:

Thank you for your June 22, 1993, letter and the report for local landmark designation of the property referenced above. The letter and report were received in our office on June 24, 1993. We have reviewed the information in the report and offer the following comments pursuant to G.S. 160A-400.6.

We understand that the Commission is recommending that the interior and exterior of the buildings and the tax parcel of land listed under 121-031-09 (approximately five acres) be designated as a historic landmark.

Built in 1919 and expanded through the early 1950s, the Parks-Cramer Company complex represents the heyday of textile manufacturing and related industries in and around Charlotte during the late nineteenth and early twentieth centuries. It is among the most significant surviving early industrial properties in the planned Dilworth factory district. It is associated with noted textile-mill engineer and inventor Stuart Warren Cramer of Charlotte. The complex exemplifies the major innovations in factory design which occurred nationally between the turn of the century and World War I. Though expansions and alterations occurred through the decades to the early 1960s, the complex largely retains integrity.

It is our opinion that the Parks-Cramer Company complex is worthy of local designation, and we support the Commission's recommendation.

We recommend that the designation ordinance specifically identify the interior features to be included in the designation and the nature of the Commission's jurisdiction over those features so it is clearly established, both for the Commission members and for the property owner, what kinds of interior changes will require Commission review.

Thank you for the opportunity to comment on this report. As you requested, I am returning your slides and photographs. Should you have any questions regarding our comments, please feel free to contact me at 919-733-6545.

Sincerely,

Melinda Wall

Melinda Wall
Preservation Planner
State Historic Preservation Office

enclosures

cc: Mr. Louis A. Bledsoe, III, Chairman, Charlotte-Mecklenburg Historic Landmarks Commission
Dr. Dan Morrill, Consulting Director, Charlotte-Mecklenburg Historic Landmarks Commission

Charlotte Mecklenburg Historic Landmarks Commission

PERMISSION OF OWNER
FOR
INTERIOR DESIGN REVIEW

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

Parks Cramer Company Complex (2000 South Boulevard)

located at 2000 South Boulevard, Charlotte, N.C.

Signature [signature] (Owner) *

Name (Print) DAVID FORD

Date: 7/8/93

*President and Managing Director

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

Charlotte-Mecklenburg Historic Landmarks Commission

Department Review Process
for
Historic Landmark Designation

Parks Cramer Company Complex

Findings

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

Comment Summary

Building Inspection	No response
Community Development	No response
Engineering	No response
Parks and Recreation	No response
Planning Commission/Historic District Commission	Feels the designation would be consistent with the goals and objectives of the South Boulevard Corridor Revitalization Plan. No direct relation to Capital Improvement Program Projects, or permits granted or under consideration. Other comments: because of its strategic importance to the revitalization plan, mentioned above, the entire parcel should be designated.
Transportation	Copy of right-of-way requirements attached.
Charlotte-Mecklenburg Utility Department	No relation to Department Plans, Capital Improvement Program Projects or permits granted or under construction.

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CHARLOTTE DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY REQUIREMENTS

PARKS-CRAMER COMPANY COMPLEX

South Boulevard

According to the Charlotte Mecklenburg Thoroughfare Plan (1988):

South Boulevard is a Class III major thoroughfare requiring a minimum of 100 feet of right-of-way. According to the tax map, there is 60-90 feet of existing right-of-way. Therefore, CDOT requests that an additional strip along South Boulevard be excluded from the historic designation to meet the minimum requirements of 50 feet of right-of-way from the centerline of South Boulevard.

Tremont Avenue is a Class VI Local street requiring a minimum of 50 feet of right-of-way. According to the tax map, there is 40 feet of existing right-of-way. Therefore, CDOT requests that an additional 5 foot strip along Tremont Avenue be excluded from the historic designation to meet the minimum requirements.

The Norfolk Southern Railroad corridor has a 200 foot wide right-of-way (based on tax maps) that includes a 100 foot strip across the back of the Parks-Cramer property and appears to include portions of the existing buildings. This corridor is one of three priority corridors currently being evaluated for future light rail. CDOT recommends preserving the viability of this LRT corridor by excluding from historic designation a 30 foot strip along the back length of the property.

Charlotte Department of Transportation
14 July 1993

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-54

Petitioner: Fletcher G Keith

Location: Approximately 4.92 acres located on the northwesterly corner of U. S. Highway 29 and Carley Boulevard.

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

BACKGROUND

1. **Existing Zoning.** The petitioned property is zoned B-1SCD and is included as part of the overall master plan for University Place which dates back to a 1982 County rezoning petition. Adjoining properties to the west and south are also zoned B-1SCD. The site to the north was recently rezoned to the CC category as a result of a 1992 rezoning petition. Properties on the east side of U.S. 29 are zoned for institutional purposes.

2 **Existing Land Use** The subject property is presently undeveloped. A Montessori school is located just to the west. A number of apartment complexes, offices and commercial facilities are located nearby along Carley Boulevard, J. M. Keynes Drive and Olmstead Drive. Properties located along the east side of U.S. 29 across from the site are vacant.

3. **Public Plans and Policies.**

   1 **2005 Plan.** The 2005 Plan indicates a major mixed use center at the intersection of Harris Boulevard and U. S. 29. The plan anticipates this major retail center will be surrounded by and include a significant amount of housing. The plan recognizes developing employment uses adjacent to University Place and existing employment in University Research Park. The University of North Carolina at Charlotte is recognized as a major institutional use in the area. The 2005 strategies include improvements to Harris Boulevard, the extension of water and sewer lines in the area and the development of the greenway system along Mallard Creek.

   2. **Northeast District Plan (adopted 1990).** The Northeast District Plan recognizes University Place as the regional mixed use center for the area. This center would accommodate a significant amount of retail and office development.

3 **Transportation Improvement Program.** The TIP includes the widening of Mallard Creek Church Road and the construction of the northeast segment of the outerbelt

4. **Site Plan.**

1. Existing Site Plan. The existing site plan presently in effect for the petitioned property allows approximately 35,000 square feet of commercial and retail uses. The site plan includes a booklet of design guidelines and requires detailed site plan approval by a Design Review Board. Access to the property is to be provided by way of Olmstead Drive and is not permitted along Highway 29 or Carley Boulevard.

2. Proposed Site Plan. The site plan which accompanies this petition proposes a 35,000 square foot commercial development with access to both Highway 29 and Carley Boulevard. The proposed site plan carries forward the existing plan's commitments for a 40 foot buffer along Carley Boulevard with a 12 foot pedestrian path and a 50 foot buffer along Highway 29. The proposed plan states that architectural controls shall be developed in compliance with University Place Guidelines but does not commit to all of the standards contained in the design guidelines and submission of plans to the Design Review Board

5 **School Information** Not applicable

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

Petition No.	Request	Action	Date
1. 70-2	R-12, B-2, RE to Inst.	Approved	05/18/70
2. 82-23(c)	Inst. to B-1SCD	Approved	08/04/82
3. 84-38(c)	Inst. to B-1SCD	Approved	11/05/84
4. 86-64(c)	B-1SCD Site Plan Amendment	Approved	12/01/86

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

REVIEWS

1 **Plan Consistency.** This petition seeks a change from one conditional commercial category to another. From this standpoint, it raises no particular plan consistency issue However, the purpose of the petition is to accommodate direct vehicular access for the

site to Carley Boulevard and Highway 29 and to reduce or eliminate some of the previously committed to design standards for University Place. Therefore, the petition is inconsistent with the previously approved master plan which has governed the development of the balance of University Place.

2. **Technical Consistency.**

   1. **Pre-Hearing Staff Input.** The staff strongly discouraged this petition as well as numerous other inquiries over the years regarding this site's potential for access to Highway 29.

   2. **Departmental Comments.** Departmental comments included the need for clarification on required buffers, sidewalk along Highway 29 and Carley Boulevard, and submission of design guidelines consistent with the plan for University Place The remaining outstanding departmental comments include strong opposition from CDOT regarding the proposed vehicular access to Carley Boulevard and U.S. 29 and submission of design guidelines consistent with the plan for University Place including commitment to submit detailed plans to the University City Design Review Board. (CDOT comments are attached)

ISSUES

1. **Land Use.** This petition raises no particular land use issue inasmuch as it proposes a change from one commercial zoning category to another for essentially the same land use as allowed by the existing site plan. Therefore, from a land use standpoint, the petition could be considered appropriate for approval

2. **Site Plan.** This petition raises a significant site plan issue. It proposes a rezoning for the purpose of accommodating direct vehicular access to Highway 29 and Carley Boulevard. The original University Place master plan created a public street system that provided a controlled and well thought out vehicular and pedestrian circulation system which generally limited outparcel access to minor roads rather the major roads. In this case, access is to be provided by Olmstead Drive. Other sites within University Place have successfully developed in accordance with this circulation system which was a major focus of the original plan. Direct vehicular connections to major thoroughfares for existing or future outparcels within University Place would have a negative effect on traffic conditions and needlessly interrupt the associated thoroughfare buffer treatments. In addition to the access issues, this site plan also lacks some of the design related conditions previously established for University Place. Therefore, this petition is not considered appropriate for approval from a site plan standpoint

CONCLUSION

This petition is not appropriate for approval.

*Subject to further refinement following public hearing.

M E M O R A N D U M

DATE: August 31, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-54 Site Plan Amendment.
Northwest Corner of US 29 and Carley Boulevard
(Revised 08/23/93)

This site could generate approximately 3,667 trips per day as currently zoned (with a maximum building square footage of 35,000 sf). Under the proposed zoning the site could generate approximately the same number of daily trips per day. The volume of daily trips will not have a significant impact on the surrounding thoroughfare system, provided that access to US 29 and Carley Boulevard, especially to restaurant/fast food types of land use, is handled internally to the larger shopping center/retail area and not as an out-parcel. CDOT is strongly opposed to direct access to US 29 and Carley Boulevard, which is to become a public street.

Under the original conditional zoning of this property, this is an outparcel and direct access to all the outparcels is prohibited to the thoroughfares and Carley Boulevard. Access is only allowed to the internal street system of the University Place Shopping Center Development (J. M. Keynes Drive and Olmstead Drive).

If the petition is approved as submitted, a minimum of 150 feet of internal channelization as measured from the right-of-way must be provided at the driveways to both US 29 and Carley Boulevard since it is proposed to be accepted as a public street. Therefore, all planned access locations would need to comply with the City Driveway Regulations (150 feet of internal channelization).

CDOT recommends sidewalk construction along the US 29 and Carley Boulevard frontages.

US 29 is a minor thoroughfare requiring a minimum of 100 feet of right-of-way. The developer/petitioner should dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

Adequate sight distance triangles must be reserved at the proposed private street connections. Two 35' x 35' and two 10' x 70' sight triangles are required for the private street connections to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the private street connections. Such items should be identified on the site plan.

The proposed driveway connections to US 29 and Olmstead Drive will require driveway permits to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway location and type/width of the driveways will be determined by CDOT during the driveway permit process. The location of the driveways shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

All proposed commercial driveway connections to a future public street (Carley Boulevard) will require a driveway permit to be submitted to CDOT for review and approval.

To facilitate building permit/driveway permit review and approval, the site plan needs to be revised to indicate:

- a complete parking summary
- driveways which comply with the City Driveway Regulations
- typical parking module dimensions

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

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

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

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
R. Steve McNair
Fletcher G. Keith
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

STAFF REVIEW 8/3/93 10:00

Petition No. 93-54

Date Filed July 6, 1993

Received By T. Davis

OFFICE USE ONLY

Ownership Information

Property Owner: Home Federal Savings and Loan Assn.

Owner's Address: 139 South Tryon Street Charlotte, NC 28202

Date Property Acquired: 8/86

Tax Parcel Number: 047-201-023

Location of Property (address or description)

Northeast corner of US Highway 29 at Carley Blvd

Description of Property

Size (Sq. Ft.-Acres): 4.922

Street Frontage (ft.): 402.48 Carley
525.23 US Highway 29

Current Land Use: Undeveloped

Zoning Request

Existing Zoning: B1-SCD

Requested Zoning: Site plan amendment

Purpose of Zoning Change: To provide for ingress and egress along US Highway 29 and Carley Blvd

R. Steve McNair
Name of Agent

5344 Central Avenue
Agent's Address
Charlotte NC 28212

Telephone Number (704) 535-7584

Fletcher G. Keith
Name of Petitioner(s)

4016 Triangle Drive
Address of Petitioner(s)
Charlotte NC 28266

Telephone Number
(704) 392-1338

Fletcher G. Keith III
Signature

Signature of Property Owner
if Other Than Petitioner Home Federal Savings

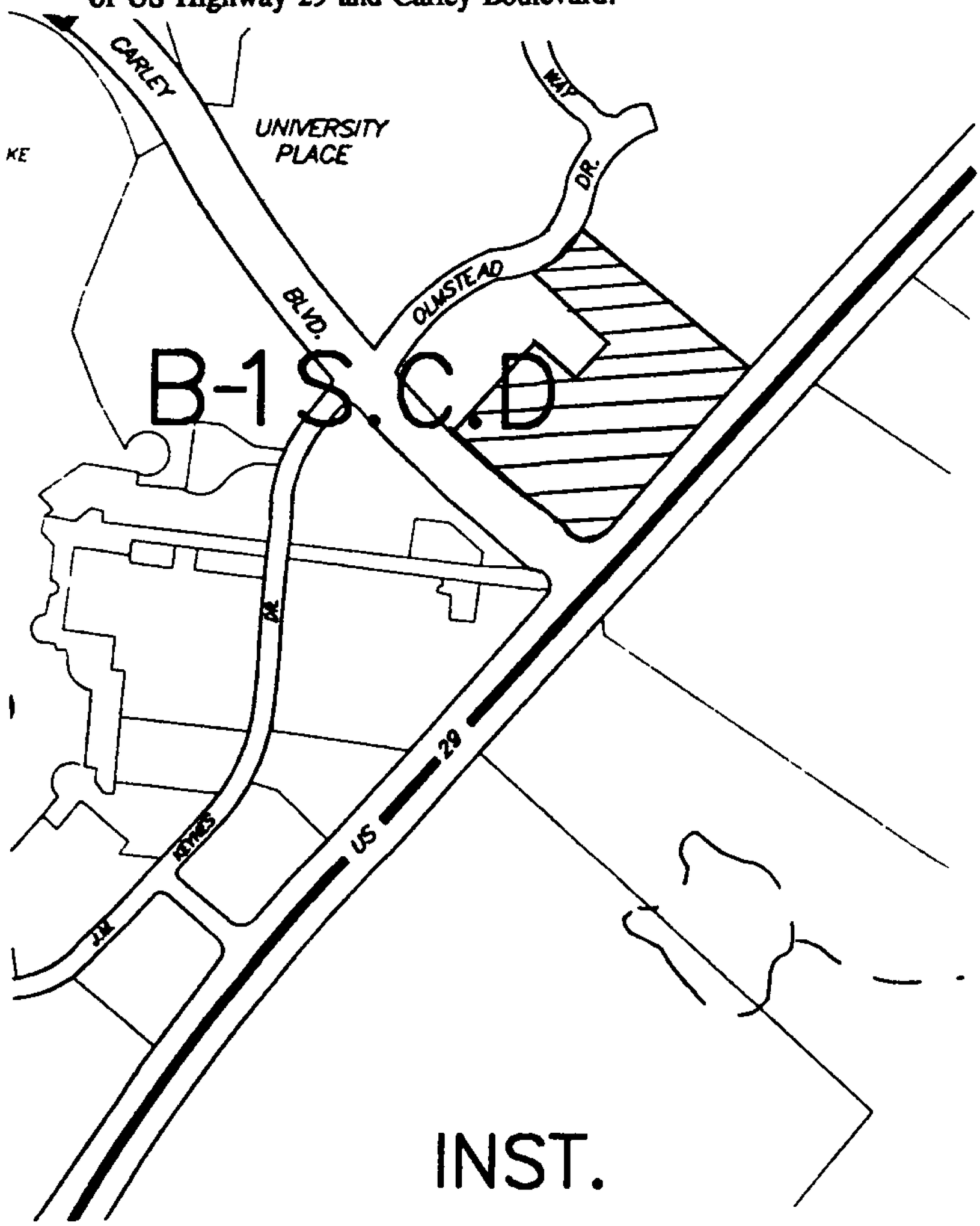
Petition #: 93-54

Petitioner: Fletcher G. Keith **Hearing Date:** September 20, 1993

Zoning Classification (Existing): B-1 SCD

Zoning Classification (Requested): Site Plan Amendment

Location: Approximately 4.92 acres located on the northwest corner of the intersection of US Highway 29 and Carley Boulevard.



Zoning Map #(s): 58

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Petition No. 93-108

Petitioner: University Research Park, Inc

Request: Consideration of a text amendment to the City of Charlotte Zoning Ordinance to modify the development standards for the Research districts

BACKGROUND

This text amendment proposes to make minor modifications to the development standards for the Research districts in the City Zoning Ordinance. The zoning ordinance establishes setbacks and side and rear yards based on a breakdown related to lot size The lot size delineation presently has three parts, two to less than four acres, four to ten acres and lots greater than ten acres The proposed text amendment would establish an additional category and therefore provide four divisions between 2 and less than 4 acres, between 4 and less than 15 acres, between 15 and less than 20 acres and greater than 20 acres. The range of setback and side and rear yard dimensions would remain the same. A second change proposed by this petition is a minor one and relates to buffer and screening treatments The ordinance requires in the research district that at least one-half of the exterior depth of the setback and side and rear yards be maintained with existing vegetation and natural features. This proposed text amendment seeks to delete the word "exterior" from this sentence Both of the above changes are viewed as relatively minor and should have no negative effect on future development in the Research Park area

CONCLUSION

This petition is considered appropriate for approval.

*Subject to further refinement following public hearing

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-109

Petitioner: **Dr. Robert Zach Hull**

Location: **Approximately .61 acres located on the southwesterly corner of the intersection of Queens Road and South Edgehill Road South.**

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

BACKGROUND

1. **Existing Zoning.** The petitioned property is zoned R-22MF as are nearby tracts to the north and south and across Queens Road Properties to the west are zoned O-2 and properties to the south are zoned R-3 Properties within and near Edgehill Park across Queens Road are zoned R-3.

2. **Existing Land Use** The petitioned property is developed with a residence that is also currently used in part for a dental office Nearby tracts to the north along Queens Road are used for offices and a multi-family development is located to the south of the petitioned property. Properties to the rear are devoted to office uses The site located across Queens Road is developed with a church Edgehill Park is located on the east side of Queens Road along Edgehill Road. Other nearby properties are devoted predominantly to single family residential development.

3. **Public Plans and Policies.**

   1 **2005 Plan.** The 2005 Plan indicates existing residential land uses in the area of the subject property. 2005 strategies include extension of water lines along Morehead Street and the Midtown Development Enterprise Area.

   2. **Central District Plan.** The Central District Plan recommends residential land uses for the subject property. The Plan also recognizes that pressure for expanding nonresidential zoning in this area has increased in recent years

   3. **Transportation Improvement Program** The Transportation Improvement Program does not propose any improvements in the area

4 **Site Plan.** The site plan which accompanies this petition proposes rezoning to a conditional office category to permit the existing 3,400 square foot structure to be used as an office facility The site plan indicates that the property may be used as "dental, medical, legal, architectural, engineering, real estate or insurance offices and may not be used for retail sales or any type of sales or services that encourage higher on-site visitation than that of a dental office or a regular nighttime visitation." The plan also provides for the ability to replace the existing structure with a new structure. The plan notes that a new structure may not exceed 5,000 square feet or two stories in height The interior of a replacement building may accommodate no more than "four professionals (in the case of nonprofessional uses not more than four persons who regularly receive or meet with customers or clients on the premises) so as to maintain the low intensity of the site." Access to the office would be provided by the existing driveway to Edgehill Road South which is to be widened to the appropriate standard as well as a new driveway connection to Edgehill Road which will be located to the east of the existing driveway closer to Queens Road. No access is provided to Queens Road. The plan notes additional parking will be provided along the Edgehill Road edge and to the rear of the structure. The plan provides buffers in accordance with the ordinance adjoining residential properties and notes that existing vegetation will remain or proposed planting will conform to the tree ordinance. The plan notes that exterior lighting on the site other than street lights must not extend past any property line and must be mounted no more than 8 feet in height. Project signage is limited to one 3 foot by 3 foot unlighted identification sign. The plan also provides for right-of-way dedication along Queens Road

5 **School Information.** Not applicable

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

Petition No.	Request	Action	Date
1. 70-38	R-6MF to R-6MFH	Approved	6/29/70
2. 70-60	R-6MF to R-6MFH	Approved	6/29/70
3. 73-47	R-6MF, 0-6 & R-6MFH to R-12	Denied	3/11/74
4. 76-27	0-6 & B-1 to R-12	A.I.P	6/18/76
5. 76-29	0-6 & B-1 to R-12	A.I.P.	6/18/75
6. 76-30	R-6MF to R-12	A.I.P.	6/18/76
7. 76-31	R-6MF to R-12	Approved	6/18/76
8. 76-32	R-6MF to R-12	A.I.P.	6/18/76
9. 86-31	R-6MF, 0-6, B-1 and B-2 to 0-6(CD)	Approved	5/18/86
10 86-58	R-12MF & R-15MF to R-12	Approved	8/18/86
11 86-59	R-6MFH to R-6	Approved	8/18/86
12 86-60	0-6 & R-15MF to R-15 & R-9	Approved	8/18/86
13. 86-61	R-15MF to R-12	Approved	8/18/86

14. 86-62	R-15MF to R-12	Approved	8/18/86
15. 86-63	B-1 & 0-6 to R-6MF & R-12MF	Approved	9/15/86

7. **Neighborhood** This petition falls within the area defined as the Myers Park neighborhood.

REVIEWS

1. **Plan Consistency.** This petition proposes rezoning from a residential district to a conditional office category in an area in which publicly adopted plans recommend a residential future. Therefore, this petition is not considered consistent with publicly adopted plans for the area.

2. **Technical Consistency.**

   1. **Pre-Hearing Staff Input.** The petitioner met with staff prior to the submittal of the application. Subsequent to the submittal staff relayed several site plan comments and concerns to the petitioner. Outstanding site plan concerns to date include

      - The unenforceability of the use note which would require an evaluation of the potential on-site visitation of a proposed use in comparison with a dental office or "regular nighttime visitation."

      - The need to firmly commit to residential characteristics for the potential new structure.

      In addition, staff notes that the proposed 5,000 square foot replacement structure may not have adequate parking.

ISSUES

1 **Land Use.** This petition raises a land use concern in that it proposes a rezoning from a residential district to a nonresidential district in an area in which publicly adopted and pending plans envision continued residential development. However, the petition could be viewed as appropriate for approval from a land use standpoint due to the established land use pattern in the immediate area. There is extensive office development to the north and west, a multi-family development immediately to the south and a church across Queens Road. It is unlikely that the conversion of the subject property to office uses will create pressure for similar requests to the south along the single family residential portion of Queens Road. There, this petition could be viewed as appropriate for approval based on a well thought out and sensitive site plan that guarantees preservation of the residential character of this section of Queens Road.

2. **Site Plan.** There are outstanding issues associated with this site plan which need to be adequately addressed by the petitioner prior to consideration of this petition For example, the permitted use statement indicates that the site may be devoted only to "low intensity uses such as dental, medical, legal, architectural, engineering, real estate or insurance and may not be used for retail sales or any type of sales or services that encourage higher on-site visitation than that of a dental office or regular nighttime visitation." This note would require the Zoning Administrator to evaluate the on-site visitation that could be generated by a particular proposed use in comparison to a dental office or regular nighttime visitation. In addition the site plan does not stipulate how the potential 5,000 square foot replacement structure will maintain the residential character of the area The petition could only be considered appropriate for approval if these items are adequately addressed.

CONCLUSION

This petition could only be considered appropriate for approval with an amended site plan.

*Subject to further refinement following public hearing

M E M O R A N D U M

DATE: September 27, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-109: Southwest Corner of Queens Road and Edgehill Road South (Revised 9/17/93)

This site could generate approximately 60 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (120 trips per day) will remain the same.

Queens Road is a major thoroughfare requiring a minimum of 100 feet of right-of-way. The petitioner has indicated in Development Standards Note 10 to dedicate right-of-way to meet this requirement, measuring 50 feet from the centerline of the roadway.

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

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

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

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a

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

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

- Dimension width of the existing and proposed driveways. Minimum width for a two-way driveway is 26 feet and for a one-way driveway is 20 feet.
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate typical parking module dimensions.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
ColeJenest
Dr. Robert Z. Hull
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-109

Date Filed August 2, 1993

Received By T. Mann

OFFICE USE ONLY

Ownership Information

Property Owner: Dr. Robert Zach Hull

Owner's Address: Corner of 1000 Queens Rd. and 1009 Edgehill Rd. S.

Date Property Acquired: 1957

Tax Parcel Number: 153-031-15

Location of Property (address or description): Duplex structure at corner of 1000 Queens Rd. and 1009 Edgehill Rd. S.

Description of Property

Size (Sq. Ft.-Acres): .61 acre

Street Frontage (ft.): 100'

Current Land Use: Since 1957 my family and I have lived in the Edgehill portion of the duplex and I have practiced my profession of Dentistry in the Queens Road portion of the structure.

Zoning Request

Existing Zoning: R22 MF

Requested Zoning: O-2(CD)

Purpose of Zoning Change: to update the property so that the entire structure may be used for professional offices.

ColeJenest

Name of Agent

417 East Boulevard, Suite 206

Agent's Address

376-1555

Telephone Number

Name of Petitioner(s)

Address of Petitioner(s): ~~DR. ROBERT ZACH HULL~~ 1000 QUEENS RD CHARLOTTE, ~~N. C.~~ 28207

Telephone Number: H) 704-377-8887 O) 704-332-1532

Dr. Robert Zach Hull

Signature

Mrs Robert Zach Hull

Signature of Property Owner if Other Than Petitioner

Petition #: 93-109

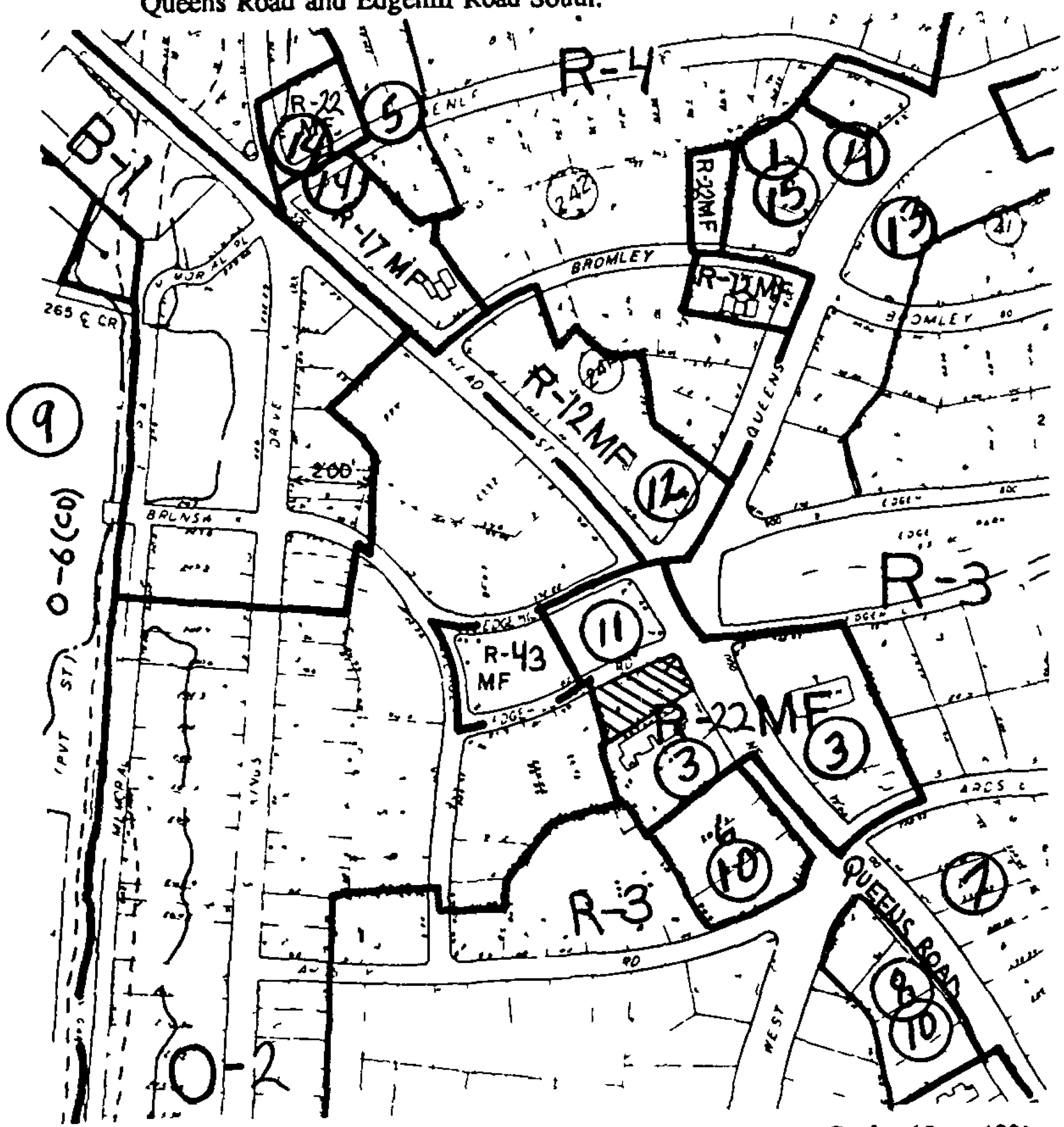
Petitioner: Dr. Robert Zach Hull

Hearing Date: October 20, 1993

Zoning Classification (Existing): R-22 MF

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

Location: Approximately .61 acres located on the southwest corner of the intersection of Queens Road and Edgehill Road South.



Zoning Map #(s): 111

Scale: 1" = 400'

October 4, 1993

Mr Walter G Fields, III
Land Development Manager
Charlotte-Mecklenburg Planning Commission
600 East Fourth Street
Charlotte, North Carolina 28202

Re Hull Rezoning
Petition # 93-109

Deer Walter

Based on a review of the pre-hearing staff analysis that your office prepared, the outstanding site concerns as noted on page three are addressed as follows

1 The unenforceability of the use note which appeared on the Development Standards and Conditions Notes (item # 1) has been removed

2 With regard to firmly committing to residential characteristics in the event of a new structure, a note has been added to item # three of the Development Standards and Conditions to include "any new structure will remain residential in character, will be no more than two stories in height, constructed of brick, wood, stone, or stucco and incorporate a pitched roof, residential type windows and doors and no large masses of unbroken walls

3 Staff's concern that a proposed 5,000 square foot replacement structure would not have adequate parking does not pose a problem because a replacement structure could sit approximately 15' closer to the road than the present structure thus allowing for additional parking in the rear

Although this proposal is in conflict with the publicly adopted residential plan for this area the Owner has worked diligently with the Myers Park Homeowners' Association and Charlotte-Mecklenburg Planning Commission staff to create a site plan that allows for office use but still preserves the residential character of the neighborhood

Best regards,

Brian C. Jenest

Brian C Jenest, ASLA
Partner

618
slw

ColeJenest

Land Planning
Landscape Architecture

119 East Seventh Street
Suite 2C
Charlotte
North Carolina
28202

Tel 704 376 1555
Fax 704 376 7851

RECEIVED
OCT 5 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-110

Petitioner: Ronald S. & Betty B Cecil

Location: Approximately 1 63 acres located on the northeasterly corner of the intersection of East W T Harris Boulevard and Robinson Church Road

Request: Change from R-3 to B-2

BACKGROUND

1 **Existing Zoning** The petitioned property is zoned R-3 as are adjoining properties to the east A tract located immediately to the north is zoned R-17MF(CD) as is a site located across East W.T. Harris Boulevard Other nearby properties located across Robinson Church Road and across East W T Harris Boulevard are zoned R-17MF. Properties further to the north are zoned R-3 Several properties located further to the west and south across W.T Harris Boulevard are zoned a combination of O-1, I-1, and I-2 The intersection of East W T. Harris Boulevard and Sharon Amity Road is zoned B-1SCD

2. **Existing Land Use.** The petitioned property is developed with a single family home. Nearby properties are devoted to single family and multi-family residential development and day care centers. Properties located along the Southern Railway include commercial and industrial uses and several vacant tracts. The East Town Market is located to the northwest at the corner of Harris Boulevard and Sharon Amity Road

3. **Public Plans and Policies**

   1. **2005 Plan** The 2005 Plan indicates existing residential land uses in the area of the subject property. The plan recognizes three existing community commercial centers in the area located at the intersection of Harris Boulevard and Hickory Grove Road, Harris Boulevard and Sharon Amity Road (East Town Market), and Harris Boulevard and Plaza Road Extension. The 2005 strategies include potential light rail service, improvements to Harris Boulevard and expansion of water lines in the area.

   2. **East District Plan (Adopted 1990).** The East District Plan recommends single family residential development for the subject property The plan recognizes the existing commercial centers along Harris Boulevard.

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

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

5 **School Information** Not applicable

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

	Petition No	Request	Action	Date
1	64-20	I-1 to R-9MF	Approved	4/24/64
2	74-15	R-15 to B-1	Denied	6/17/74
3.	75-22	R-9MF to B-1	Denied	10/6/75
4	80-49	R-9MF to I-2	Denied	2/2/81
5	MSUP84-1	SUP for a day care in residential	Approved	6/18/84
6	84-25(c)	R-9MF & R-15 to R-12MF(CD)	Approved	11/29/84
7	86-69	R-15w/SUP to R-9MF(CD)	Approved	7/21/86
8	88-42	R-9MF to 0-15(CD)	Approved	8/15/88
9	89-83	R-9MF(CD) Site Plan Amendment	Approved	11/20/89

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

REVIEWS

1 **Plan Consistency** This petition proposes rezoning from a single family residential district to a conventional general business district *Publicly adopted plans and policies* envision continued residential development for the Harris Boulevard corridor Therefore, the petition is not consistent with plans for the area

2. **Technical Consistency**

1 **Pre-Hearing Staff Input** The petitioner met with staff prior to the submittal of this petition Staff noted the petitions' inconsistency with publicly adopted plans for the area

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

ISSUES

1 **Land Use** This petition raises a significant land use issue It proposes a conventional general business district in an area in which publicly adopted plans have for many years envisioned continued residential development The Harris Boulevard corridor has long been viewed as appropriate for a range of residential densities but as inappropriate for strip commercial development as proposed by this petition In addition, there are numerous opportunities for commercial ventures on nearby properties that already have the appropriate zoning Therefore, from a land use standpoint, this petition is considered inappropriate for approval

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

CONCLUSION

This petition is not considered appropriate for approval

*Subject to further refinement following public hearing

M E M O R A N D U M

DATE: August 30, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-110: W. T. Harris Boulevard and Robinson Church Road

This site could generate approximately 11-12 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 2,807 trips per day. Although this is a significantly higher number, the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system.

W. T. Harris Boulevard is a major thoroughfare typically requiring a minimum of 100 feet of right-of-way, measured 50 feet from the centerline of the roadway. Robinson Church Road is a minor thoroughfare typically requiring a minimum of 70 feet of right-of-way, measured 35 feet from the centerline of the roadway. However, additional right-of-way is required at the intersection of these two thoroughfares. Right-of-way should be dedicated on W. T. Harris Boulevard measuring 55 feet from the centerline for a distance of 545 feet from the centerline of Robinson Church Road, then tapering at a rate of 45:1 back to meet the minimum major thoroughfare requirement. Right-of-way should also be dedicated on Robinson Church Road measuring 45 feet from the centerline for a distance of 355 feet from the centerline of W. T. Harris Boulevard, then tapering at a rate of 20:1 back to meet the minimum minor thoroughfare right-of-way requirement.

No access will be allowed to Old Robinson Church Road in order to avoid the potential of creating a "cut-through" from Robinson Church Road to W.T. Harris Boulevard.

Adequate sight distance triangles must be reserved at the existing/proposed entrance(s). Two 35'x35'/and two 10'x70' sight triangles are required for the entrance(s) to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrance(s). Such items should be identified on the site plan.

Any proposed commercial driveway connection(s) to W. T. Harris Boulevard will require driveway permit(s) to be submitted to the Charlotte Department of Transportation (CDOT) and the North Carolina Department of Transportation for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The location of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

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

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

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Ronald S. & Betty B. Cecil
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition # 93-410
Date Filed August 2, 1993
Received By T. Pruso

OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: Ronald S. & Betty B. Cecil

Owner's Address: 6315 East W.T. Harris Boulevard (Formerly 7200 Newell- Hickory Grove Rd.) 28215

Date Property Acquired: August, 1979

Tax Parcel Number(s): 107-291-02

LOCATION OF PROPERTY (Address or Description): In Hickory Grove, next door to Hickory Grove Child Development Center, near Robinson Church Rd.

Size (Sq.Ft. or Acres): approx. 1.63 acres Street Frontage (Ft.): approx. 330'

Current Land Use: Single-family Residential

ZONING REQUEST:

Existing Zoning: R 3 Proposed Zoning: B 2

Purpose of Zoning Change: So that the property will conform to a use more consistent with its location.

Name of Agent

Agent's Address

Telephone Number

Signature of Property Owner if other than Petitioner

Ronald S. & Betty B. Cecil
Name of Petitioner(s)

6315 East W.T. Harris Blvd.
Address of Petitioner(s)

704-568-2375
Telephone Number

Signature Ronald S. Cecil
Betty B Cecil

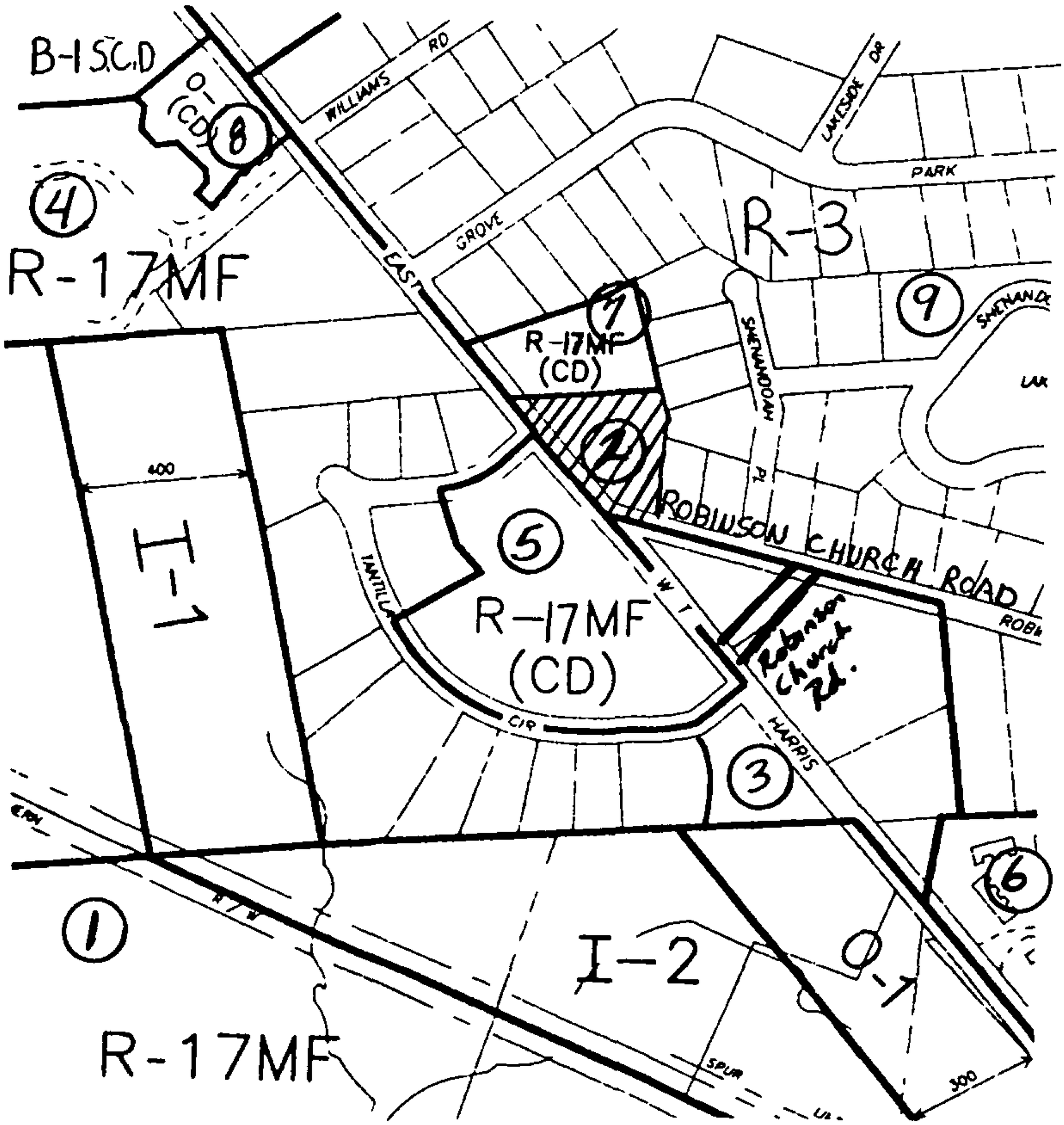
Petition #: 93-110

Petitioner: Ronald S. & Betty B. Cecil **Hearing Date:** October 20, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): B-2

Location: Approximately 1.63 acres located on the northeast side of the intersection of East W.T. Harris Boulevard and Robinson Church Road.



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

RECEIVED
OCT 5 1993
CHARLOTTE MECKLENBURG
PLANNING COMMISSION

93-110

6315 East W.T. Harris Boulevard
Charlotte, North Carolina 28215
October 2, 1993

Members of the Charlotte City Council
Members of the Planning Commission Zoning Committee

Dear Member:

Attached for your information is our written response to the pre-hearing staff analysis of the rezoning petition for which we are the petitioners. Using the Zoning Ordinance manual that has been adopted by the Charlotte City Council as our guideline, we are representing ourselves.

Having lived on this property for 14 years, we have watched the area change from country to urban. We have no objection to growth and development, realizing it to be a necessary part of life. However, we would prefer to live in an area of the county that is more rural. Unfortunately, our property has little re-sale value as a single-family dwelling because of its location on a 5 lane road, surrounded on 3 sides by a daycare center and multi-family zoning.

In petition 93-110, we seek to rezone our 1½ acres from R-3 to B-2, hoping to establish our son's landscaping business here. Cecil's Landscaping has been growing for the last 4 years and would like to expand with a small nursery. This could help our business community by attracting people in to other area businesses.

We are applying for B-2 zoning because of the giudelines listed in the business section of your manual on pages 9-85 and 9-90:

> Section 9.801 (2): "The purpose of the B-2 district... will generally be located adjacent to major thoroughfares.."

> Section 9.802 (59): "Nurseries and greenhouses, retail and wholesale (B-1 and B-2 only)."

Nowhere on the Official Rezoning Application did it ask our intention for land use. Being inexperienced in this manner, perhaps that was our mistake, in not explaining our intentions.

Having spoken with the owners of the properties left and right of us, and to Dick Toenjes, the unofficial leader of the Hickory Grove Coalition, we know that these people support us and are unopposed to our rezoning. A nursery on our small property would not upset the balance of businesses and residences in our area. In a memorandum from the N.C. Department of Transportation, which you have a copy of in your packet, Mr. R.D. Gillis, Assistant Director states "...the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system."

Thank you for your time and consideration. Please contact us if there are any questions. Our number is 568-2375.

Sincerely,
Ronald S. Cecil, Betty B. Cecil
Ronald S. & Betty B. Cecil

Rezoning Petition No. 93-110

Petitioner: Ronald S. & Betty B. Cecil

Location: Approximately 1.63 acres located on the northeasterly side near the intersection of East W.T. Harris Boulevard and Robinson Church Road.

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

BACKGROUND

1. Existing Zoning. Land further north & to the rear of the petitioned property is zoned R-3. All others are zoned MF, Office, Industrial, or Business.

2. Existing Land Use. Most property nearby is business or multi-family.

3. Public Plans and Policies. As can be noted from the zoning history of the area and the zoning map, Commercial development has been allowed along with multi-family development. The Department of Transportation has noted that "the site is so small that even this more intense level of development will not have a significant impact on the surrounding thoroughfare system."

4. Site plan accompanies this response.

REVIEWS

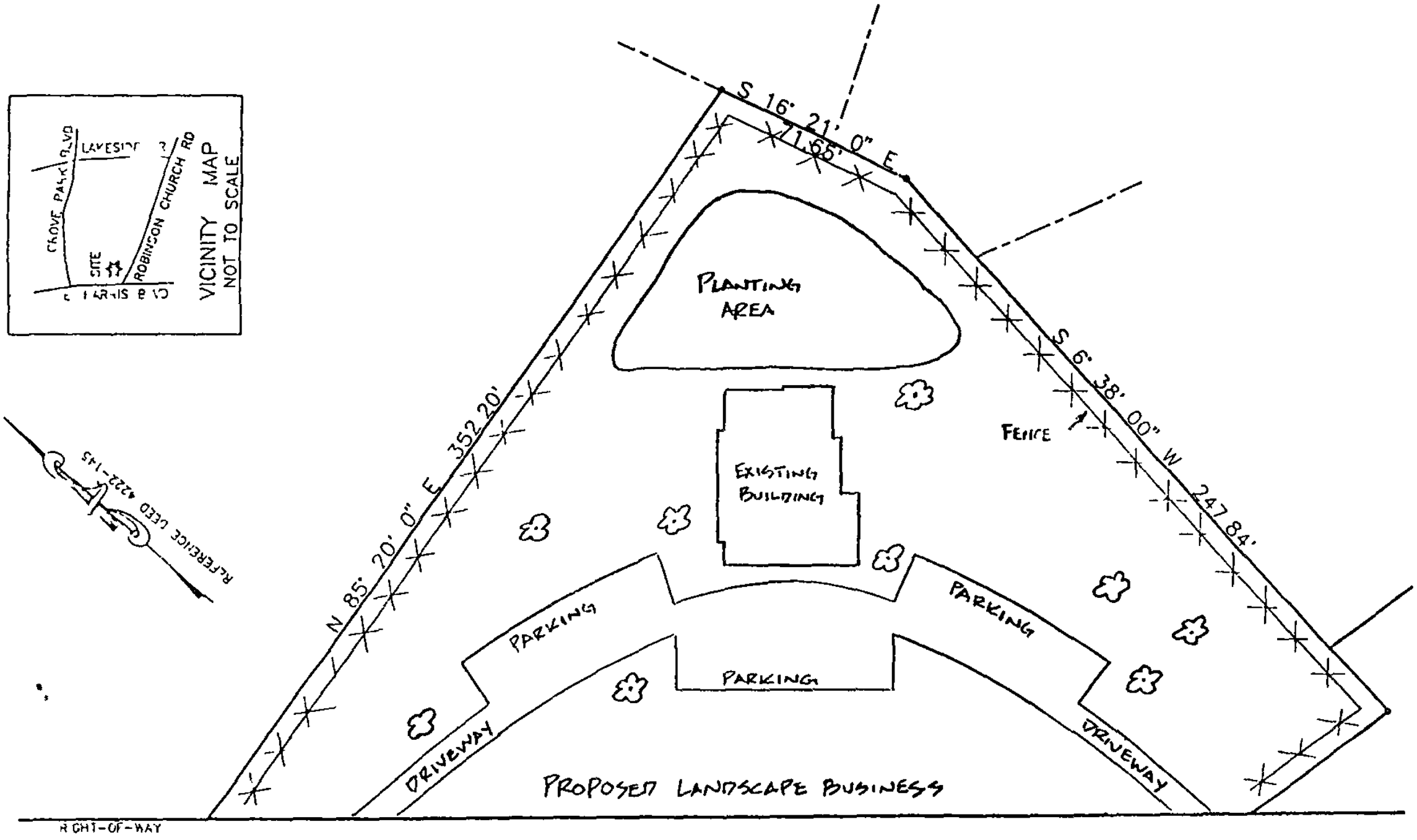
1. Plan Consistency. The establishment of a nursery on this property is not inconsistent with what is being allowed in this area. There is a mixture of business and residential zoning on Harris Boulevard.

2. Technical Consistency. We believe this application to be technically consistent according to the Zoning Ordinance manual which states that nurseries on a major thoroughfare would need to be zoned B-2 (p. 9-85 and p. 9-90). As previously stated, the Department of Transportation says that this rezoning would not affect the flow of traffic in this area.

ISSUES

1. Land Use. On the Official Rezoning Application, it did not specifically ask our intentions for the land. Omitting this information may have been an error on our part due to our inexperience in these matters. Our purpose in rezoning is to establish our existing family landscaping business here along with a nursery.

2. See included site plan.



EAST HARRIS BOULEVARD
(FORMERLY NEWELL-HICKORY GROVE RD.)

RIGHT-OF-WAY

TANTILLA CIRCLE

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-111

Petitioner: Catherine M Piercy

Location: Approximately 14 18 acres located on the east side of Mason Drive, north of Mallard Creek Road

Request: Change from R-3 to R-4

BACKGROUND

1 **Existing Zoning** The petitioned property is zoned R-3 as are all surrounding properties To the south of Mallard Creek Road properties are zoned RE-2 A site located to the northeast is zoned R-12MF(CD)

2 **Existing Land Use** The petitioned property is occupied by a single family home. Nearby properties are sparsely developed with single family residential homes including mobile homes The site located to the northwest is developed with an apartment complex

3 **Public Plans and Policies**

1 **2005 Plan** The 2005 Plan indicates developing residential land uses in the area of the subject property University Research Park is recognized as a major employment land use in the area. 2005 strategies include improvements to and the realignment of Mallard Creek Road, expansion of the greenway system in the area, expansion of sewer lines in the area, and the designation of a Development Enterprise Area.

2 **Northeast District Plan (adopted 1990).** The Northeast District Plan recommends single family land uses at a density of 1 to 4 dwelling units per acre The Research Park is recognized as a major employment center in the area. Due to the strong market forces in the area, the Mallard Creek Basin Development Enterprise Area has been deleted from the district plan

3 **Transportation Improvement Program.** The Transportation Improvement Program includes the Harris Boulevard West widening project from Mallard Creek Road to I-77 and the Mallard Creek Road widening from Graham Street Extension to Mallard Creek Church Road

4 **Greenway Master Plan.** The Greenway Master Plan includes the Mallard Creek Greenway

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

5 **School Information** Not applicable

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

Petition No	Request	Action	Date
1 85-42(c)	R-12 to R-12MF(CD)	Approved	10/21/88

7 **Neighborhood.** This petition lies within the Mallard Creek neighborhood

REVIEWS

1 **Plan Consistency.** *This petition proposes rezoning from one single family residential* district to another to permit a slightly higher density of development Publicly adopted plans recognize this area as suitable for single family residential development at densities of up to 4 dwelling units per acre Therefore, this petition is considered consistent with plans for the area

2 **Technical Consistency.**

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

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

ISSUES

1 **Land Use.** *This petition raises no land use issues* It proposes rezoning from one single family residential category to another to permit a slightly higher density of development Publicly adopted plans recognize the feasibility of just such development Therefore, from a land use standpoint, this petition is considered appropriate for approval

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

CONCLUSION

This petition is considered appropriate for approval

*Subject to further refinement following public hearing

M E M O R A N D U M

DATE: August 27, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-111: East Side of Mason Drive

This site could generate approximately 462-504 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 616-672 trips per day. This will not have a significant impact on the surrounding thoroughfare system.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by the Charlotte Department of Transportation (CDOT).

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

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Landcraft Properties, Inc.
Catherine M. Piercy
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-111

Date Filed August 2, 1993

Received By T. Jones

OFFICE USE ONLY

Ownership Information

Property Owner Catherine M. Piercy

Owner's Address 3122 Mason Road, Charlotte, N.C. 28209

Date Property Acquired April 1, 1933

Tax Parcel Number #027-022-03

Location of Property (address or description) Located on Mason Road in Northeast Mecklenburg County southwest of the intersection of Mallard Creek Road and W.T. Harris Blvd.

Description of Property

Size (Sq. Ft.-Acres) 4 1800. Street Frontage (ft.) 543± on Mason Road

Current Land Use single family residence

Zoning Request

Existing Zoning R-3 of Residential Requested Zoning R-4 of Residential

Purpose of Zoning Change To permit higher density single family consistent with adopted district planning.

Landcraft Properties, Inc.
Name of Agent

227 W. Trade St., Ste. 2370, Charlotte, N.C. 28202
Agent's Address

(704) 332-9340
Telephone Number

Catherine M. Piercy
Name of Petitioner(s)

3122 Mason Road, Charlotte, N.C. 28209
Address of Petitioner(s)

704-596-0919
Telephone Number

Catherine M. Piercy
Gladys P. Funderburk
Signature

Signature of Property Owner
if Other Than Petitioner

Petition #: 93-111

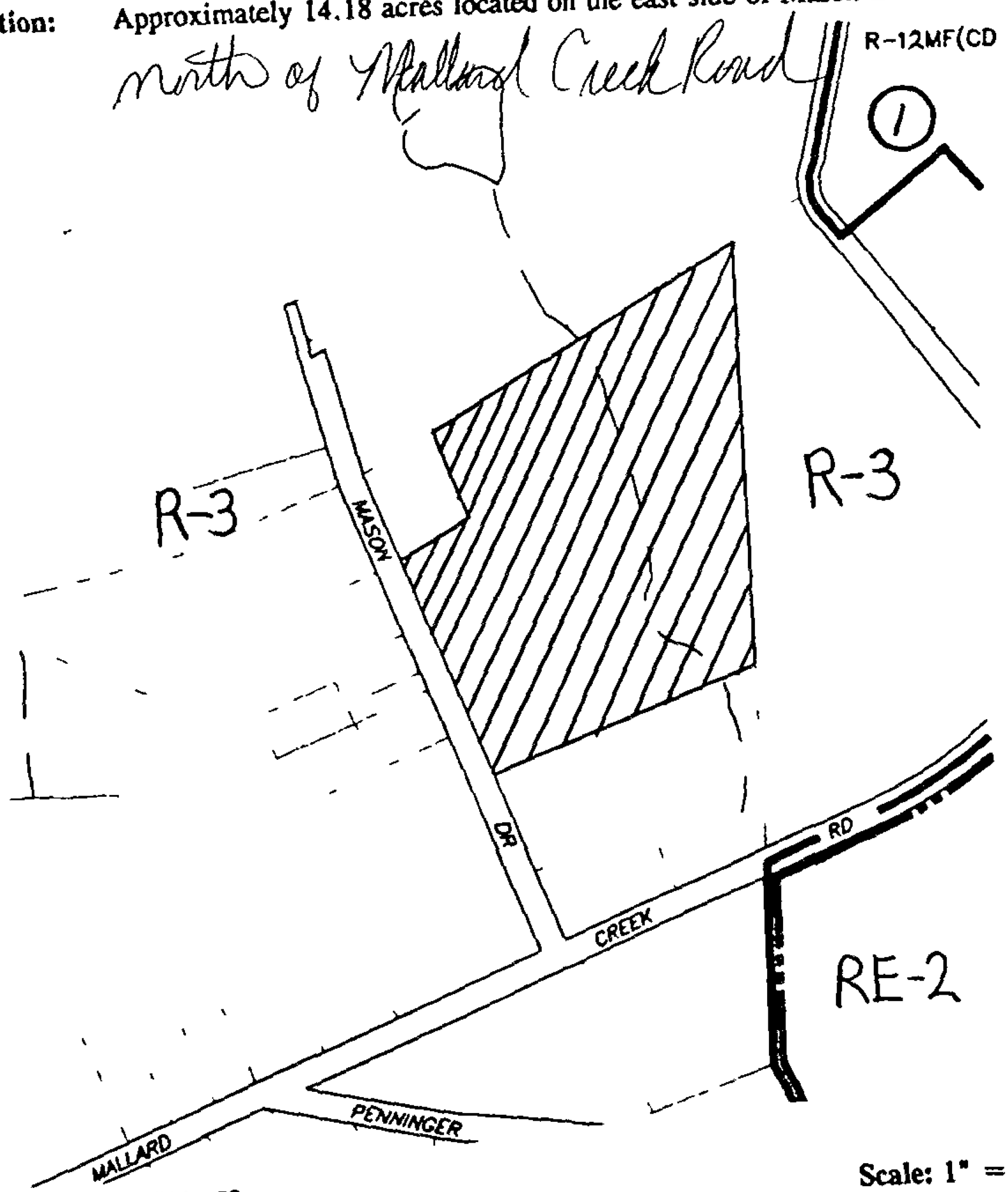
Petitioner: Catherine M Piercy

Hearing Date: October 20, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-4

Location: Approximately 14.18 acres located on the east side of Mason Drive. north of Mallard Creek Road



Zoning Map #(s): 59

Scale: 1" = 400'

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 93-113

Petitioner: Paul Sires and Ruth Lyons

Location: Approximately .27 acres located on the southeast corner of North Davidson Street and East 34th Street.

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

BACKGROUND

1 **Existing Zoning** The petitioned property is zoned B-1 as are other properties located at the intersection of Davidson and East 35th Street and extending to the intersection of North Davidson and East 36th Streets Properties located to the northwest of Davidson Street are zoned I-2 and I-1 Several nearby tracts are zoned 0-2, UR-2(CD) and UR-3(CD)

2 **Existing Land Use** The petitioned property is developed with a single family home Properties to the east toward Davidson Street, East 35th and East 36th Street are developed predominantly with commercial uses Properties to the south are developed with single family homes. To the north across Davidson Street are a number of industrial uses The Johnston YMCA is located directly across Davidson Street from the petitioned property.

3. **Public Plans and Policies**

1 **2005 Plan** The 2005 Plan indicates existing employment land uses in the area of the subject property. A community commercial center is indicated nearby 2005 strategies include a potential light rail service and corridor.

2 **Central District Plan (Adopted 1993).** The Central District Plan recognizes the subject property as part of an existing commercial area that was once a thriving commercial district. A few businesses have remained open but most of the structures are vacant. The plan recognizes that this area presents an opportunity for revitalization. The plan also recognizes that because of the history of the mills some type of historic designation is being considered for the area The possibilities range from historic designation of individual structures to establishment of a local historic district for a portion of the neighborhood Parts of North Charlotte have already been designated as a National Register Historic District and this site falls within that area The Central District Plan further recommends the development of an urban design and land use plan for the 36th Street/Davidson Street area of North Charlotte The plan should create a vision for a revitalized commercial district in the mill area around Davidson Street and 36th Street and also identify historic preservation opportunities within the area

3. **Transportation Improvement Program** The Transportation Improvement Program does not propose any changes in the area of the subject property

4 **Site Plan** The site plan which accompanies this petition proposes to convert the existing 1,311 square foot residential structure to a coffee shop The plan further notes that the existing structure may also be used for any use permitted in the NS District subject to compliance with the appropriate regulations The site plan indicates that the site is to be accessed by a driveway connection to East 34th Street and the plan notes the required parking spaces and parking lot screening The plan notes that the site may be accessed via the existing driveway connection on East 34th Street if the driveway can be approved by CDOT If the driveway cannot be approved by CDOT the plan provides for an approved driveway located just to the south of the existing driveway The plan notes a number of existing trees to remain on the site as well

5 **School Information** Not applicable.

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

Petition No		Request	Action	Date
1	64-40	0-6 to B-1	Approved	7/13/64
2	72-12	R-6MF to I-2	Denied	3/27/72
3	72-43	R-6MF to R-6	Approved	9/18/72
4	76-21	B-1 to I-1(CD)	Approved	5/10/76
5	77-51	0-6 to B-1	Approved	11/21/77
6	88-15	R-6MF to UR-2(CD)	Approved	3/23/88
7	90-79	I-2 to UR-3(CD)	Approved	11/19/90

7 **Neighborhood** This petition falls within the area defined as North Charlotte

REVIEWS

1 **Plan Consistency.** This petition proposes rezoning from the neighborhood business district to the neighborhood services district in an area in which publicly adopted plans support the concept of revitalization of the commercial district surrounding the intersection of Davidson Street and 36th Street. The area has long been recognized as one that presents an opportunity for revitalization The subject rezoning petition should assist in the revitalization opportunities for the site and is therefore viewed as consistent with plans for the area.

2 **Technical Consistency.**

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

2 **Departmental Comments** Departmental comments noted the need for an improved driveway connection to East 34th Street and several minor technical issues The revised site plan has adequately addressed those concerns CDOT comments are attached

ISSUES

1 **Land Use** This petition proposes rezoning from the neighborhood business district to the neighborhood services district Publicly adopted plans recognize that the area around the Davidson Street/36th Street intersection presents an opportunity for revitalization The proposed redevelopment of the petitioned site is consistent with such a concept Therefore, this petition is considered appropriate for approval

2 **Site Plan** The site plan which accompanies this petition proposes reuse of the present 1,311 square foot structure for a coffee shop or other use as permitted in the neighborhood services district The site plan commits to preservation of the existing structure and grounds virtually unchanged with the exception that the driveway connection to East 34th Street may have to be relocated and widened The plan commits to preservation of the existing screening treatment along the rear of the property as well as a number of trees on the site. The reduced parking requirements associated with the neighborhood services district permit the reuse of the structure without the addition of a large parking lot to the rear Therefore, from a site plan standpoint, the petition is considered appropriate for approval

CONCLUSION

This petition is considered appropriate for approval inasmuch as it accommodates the reuse of an existing structure in an area in which publicly adopted plans encourage redevelopment opportunities

*Subject to further refinement following public hearing

M E M O R A N D U M

DATE: September 27, 1993

TO: Laura Simmons
Planning Commission

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

SUBJECT: Rezoning Petition 93-113: Southeast Corner of N. Davidson Street and E. 34th Street (Revised 9/17/93)

This site could generate approximately 127 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (127 trips per day) will remain the same.

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

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

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

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

installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger
S. L. Putnam
R. E. Goddard
R. S. Williams
T. A. Richards
Craig W. Isaac Architecture
J. Paul Sires
Ruth A. Lyons
Rezoning File

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 93-113
Date Filed August 2, 1993
Received By T. Mace

OFFICE USE ONLY

Ownership Information

Property Owner: J Paul Sires Ruth Ann Lyons

Owner's Address: 1001 E 35th ST

Date Property Acquired: SPRING 1993

Tax Parcel Number: 083-083-01

Location of Property (address or description): 3100 N. DAVIDSON ST CHARLOTTE NC 28205

Description of Property

Size (Sq. Ft.-Acres): 0.27 ACRES Street Frontage (ft.): 97.06'

Current Land Use: ~~B-1~~ COMMERCIAL

Zoning Request

Existing Zoning: B-1 Requested Zoning: N S

Purpose of Zoning Change: support of Neighborhood rezoning and to reduce parking requirement.

~~Bill Sims~~ CRAIG H ISAAC ARCHITECTS
Name of Agent

1234 EAST 35th ST
Agent's Address

358 1365
Telephone Number

Paul Sires Ruth Lyons
Name of Petitioner(s)

1001 E 35th ST
Address of Petitioner(s)

CHARLOTTE NC 28205
Telephone Number

704-375-5756

J. P. Sires
Signature

Ruth Lyons
Signature of Property Owner if Other Than Petitioner

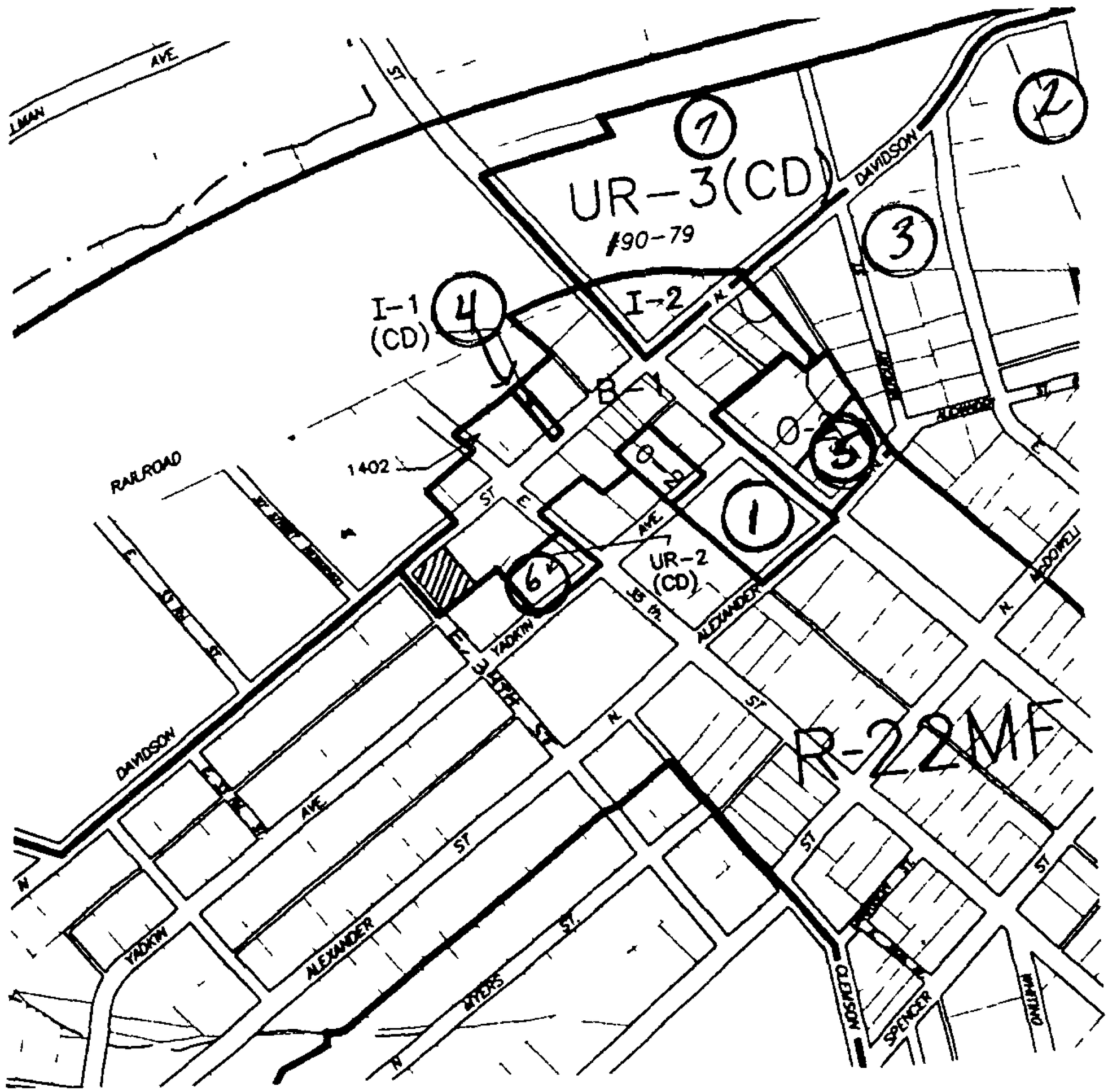
Petition #: 93-113

Petitioner: Paul Sires and Ruth Lyons **Hearing Date:** October 20, 1993

Zoning Classification (Existing): B-1

Zoning Classification (Requested): NS

Location: Approximately .27 acres located at the southeast corner of the intersection of N. Davidson Street and E. 34th Street.



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

CHARLOTTE - MECKLENBURG PLANNING COMMISSION

October 4, 1993

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members·

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on September 27, 1993.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12 00 Noon on Monday October 11, 1993. This will then permit these matters to be placed on your agenda for consideration on Wednesday, October 20, 1993.

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

Respectfully submitted,

John P. Byrne
Charlotte-Mecklenburg Planning Commission
Zoning Committee Chairperson

JPB mlj

Attachments

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

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-27

PETITIONER(S): Harold Jolly

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

LOCATION: Approximately 2 2 acres located on the west side of Oakdale Road south of Dale Avenue

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

VOTE: *Yeas:* Baucom, Byrne, Heard, Jones, Motley, and Whelchel

Nays· None

Absent: James.

REASONS

This petition proposes rezoning from a single family residential classification to a conditional multi-family category to allow a fraternal organization Publicly adopted plans for the area envision single family residential land uses for the subject property The petitioner has requested a 30 day deferral. Therefore, the Zoning Committee deferred action on this petition for 30 days

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-39

PETITIONER(S): John Crosland Company

REQUEST: Change from R-9MF(CD) to R-6(CD)

LOCATION: Approximately 19,46 acres located on the easterly side of Idlewild Road North east of Elwood Drive

ACTION: The Zoning Committee recommends that this petition be approved

VOTE: *Yeas* Baucom, Byrne, Heard, James, Jones, Motley, and Whelchel.

Nays None.

REASONS

This petition proposes rezoning from a conditional multi-family residential category to a conditional single family residential category Publicly adopted plans for the area envision residential type land uses. This petition was originally submitted as a request for conventional single family zoning. At the public hearing, several of the neighbors expressed opposition to the rezoning because it did not provide a buffer between their existing single family neighborhood and the proposed single family zoning. The petitioner has subsequently submitted a site plan that addresses the neighbors concern Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-39

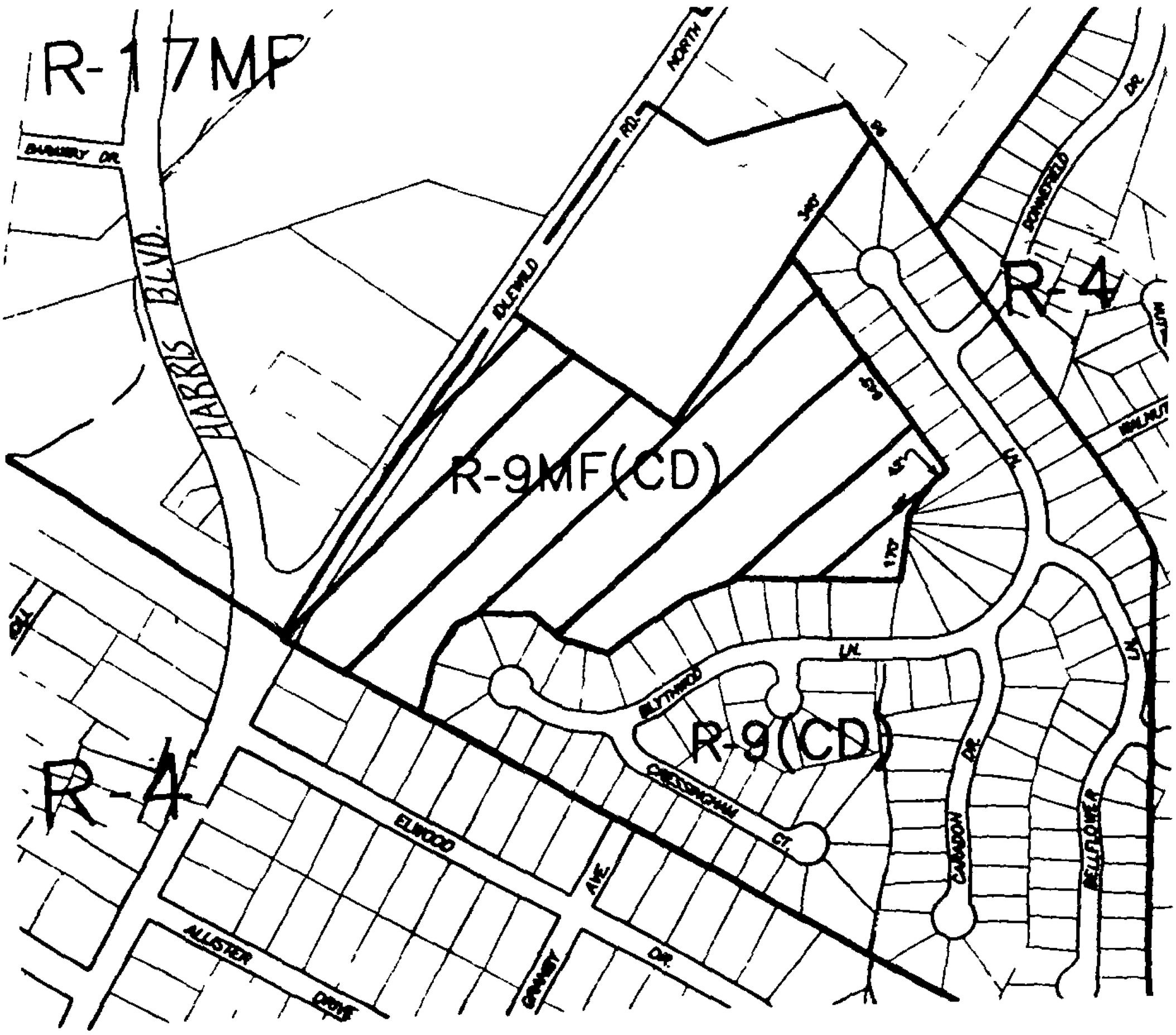
Petitioner: John Crosland Company

Hearing Date: July 19, 1993

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

Zoning Classification (Requested): R-6

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



Zoning Map #(s): 114

Scale: 1" = 400'

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-45

PETITIONER(S): Young Men's Christian Association of Greater Charlotte

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

LOCATION: Approximately 5.73 acres located on the south side of Mallard Creek Road west of W T Harris Boulevard

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

VOTE: *Yeas:* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel.

Nays: None

Note: There are nine votes from the Planning Commission on this petition. Some of the Zoning Committee members were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

REASONS

This petition proposes a rezoning from a single family residential district to a conventional research district. Publicly adopted plans for the area recognize it as one of continued research park expansion and employment land uses. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

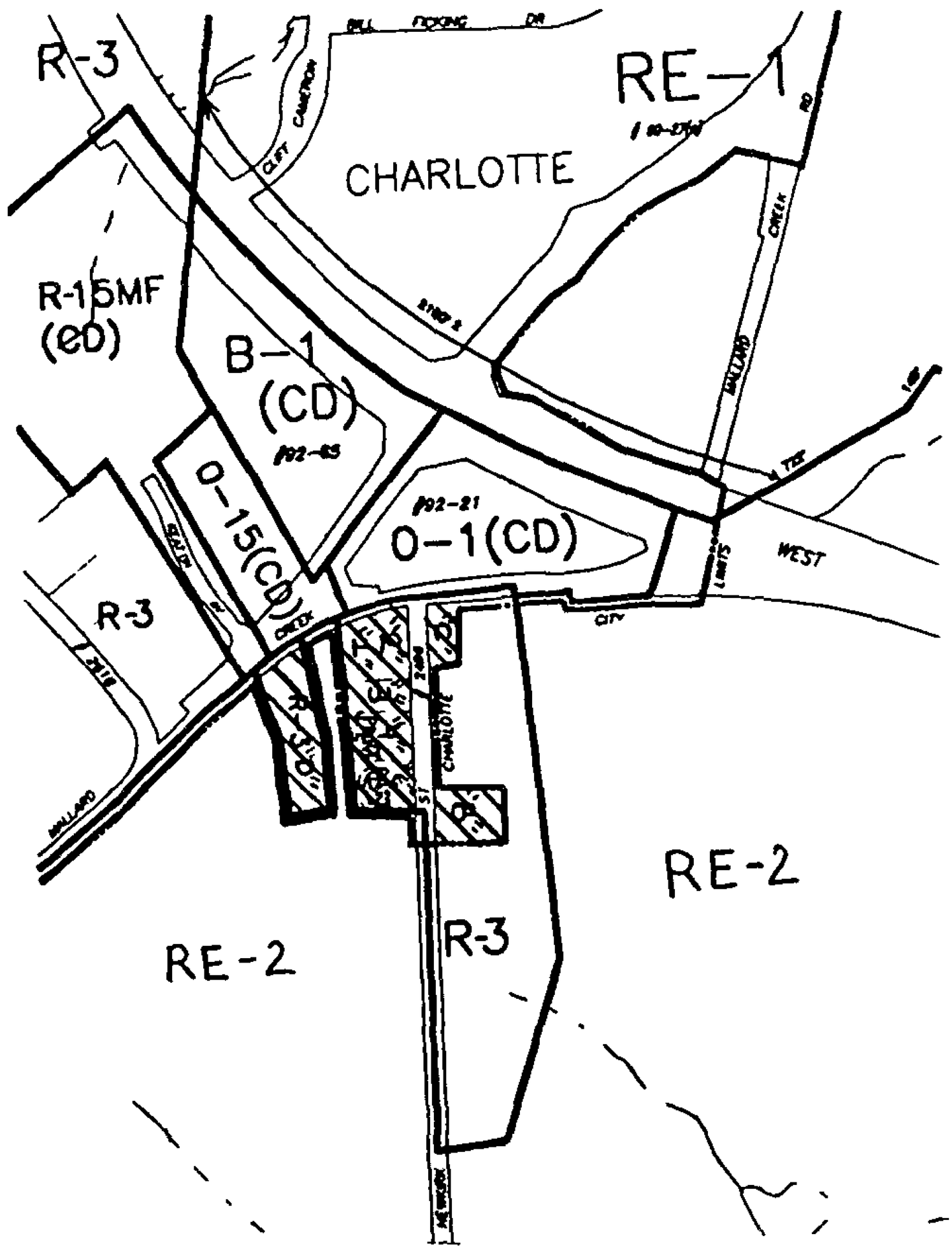
Petition #: 93-45

Petitioner: Young Men's Christian Association **Hearing Date:** September 20, 1993

Zoning Classification (Existing): R-3

Zoning Classification (Requested): RE-2

Location: Approximately 5.73 acres located on the south side of Mallard Creek Road at Newkirk Street designated as Lots 1, 2, 3, 4, 5, 6, and B, C and D.



Zoning Map #(s): 58

Scale: Not to Scale

ZONING COMMITTEE RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-47

PETITIONER(S): Dan G. Yates

REQUEST: Change from I-2 to B-2

LOCATION: Approximately 13,260 square feet located at the northeast corner of the intersection between Hargrove Avenue and Rosemont Avenue.

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

VOTE: *Yeas* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel.

Nays None.

NOTE: There are nine votes from the Planning Commission on this petition. Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence. As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

REASONS

This request seeks a rezoning from a general industrial category to a general business category. Publicly adopted plans for the area envision employment type land uses. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

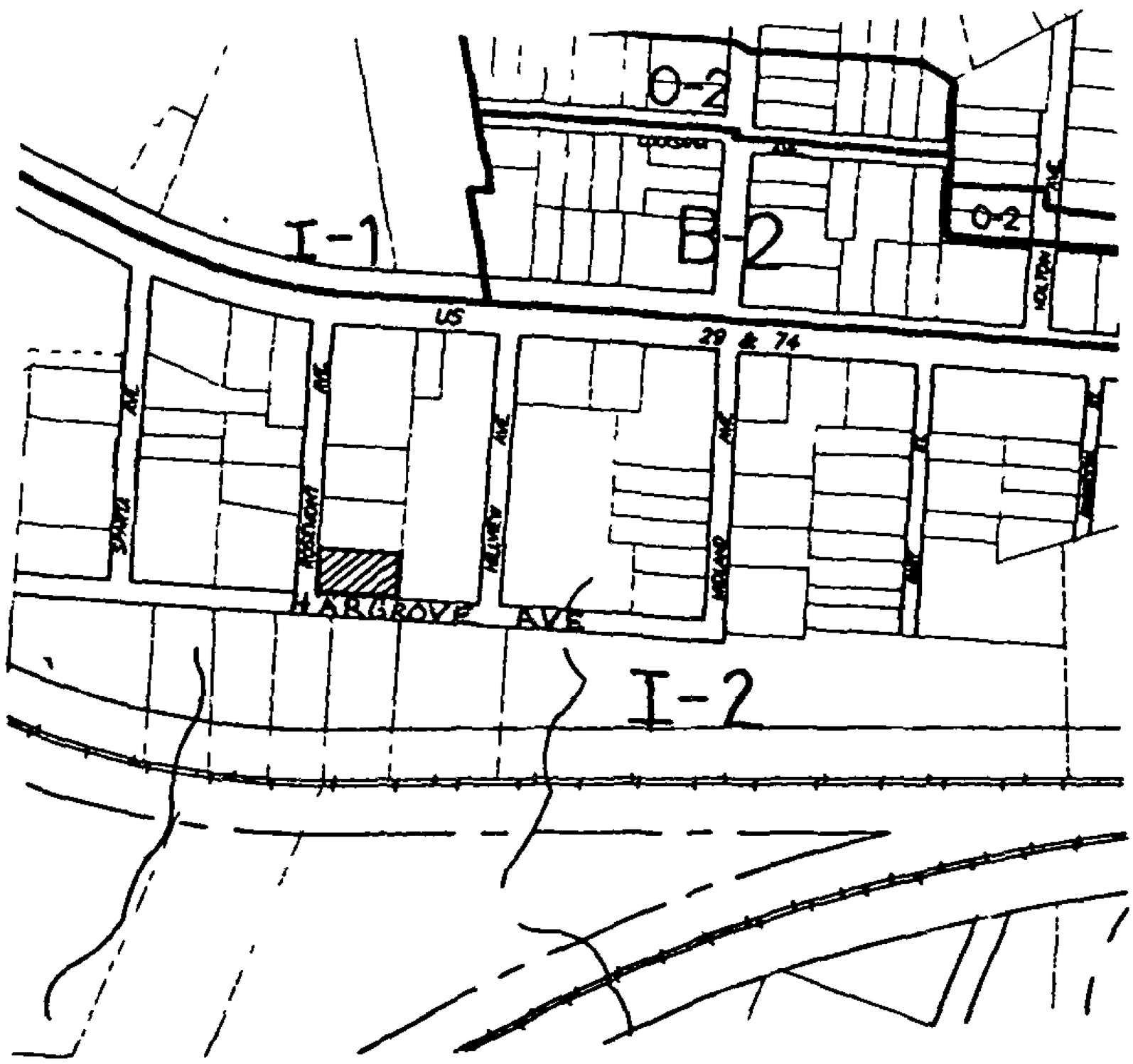
Petition #: 93-47

Petitioner: Dan G. Yates **Hearing Date:** September 20, 1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): B-2

Location: Approximately 13,260 square feet located on the northeast corner of the intersection between Hargrove Avenue and Rosemont Avenue.



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

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-48

PETITIONER(S): Historic Rosedale Foundation

REQUEST: Change from R-4 to B-2(CD)

LOCATION: An 8 24 acre site located on the northwest corner of North Tryon Street and Hilo Drive

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

VOTE: *Yeas.* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel.

Nays: None.

NOTE: There are nine votes from the Planning Commission on this petition Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition

REASONS

This request seeks a rezoning from a single family residential category to a conditional commercial category. Publicly adopted plans generally recognize the existing development on the subject property and support additional residential development in the area. The proposed commercial classification could therefore be viewed as being inconsistent with plans for the area. However, the conditions on the site plan do ensure preservation of the house and grounds while allowing additional uses. For those reasons, the petition could be considered consistent with the intent of the plans for the area. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-48

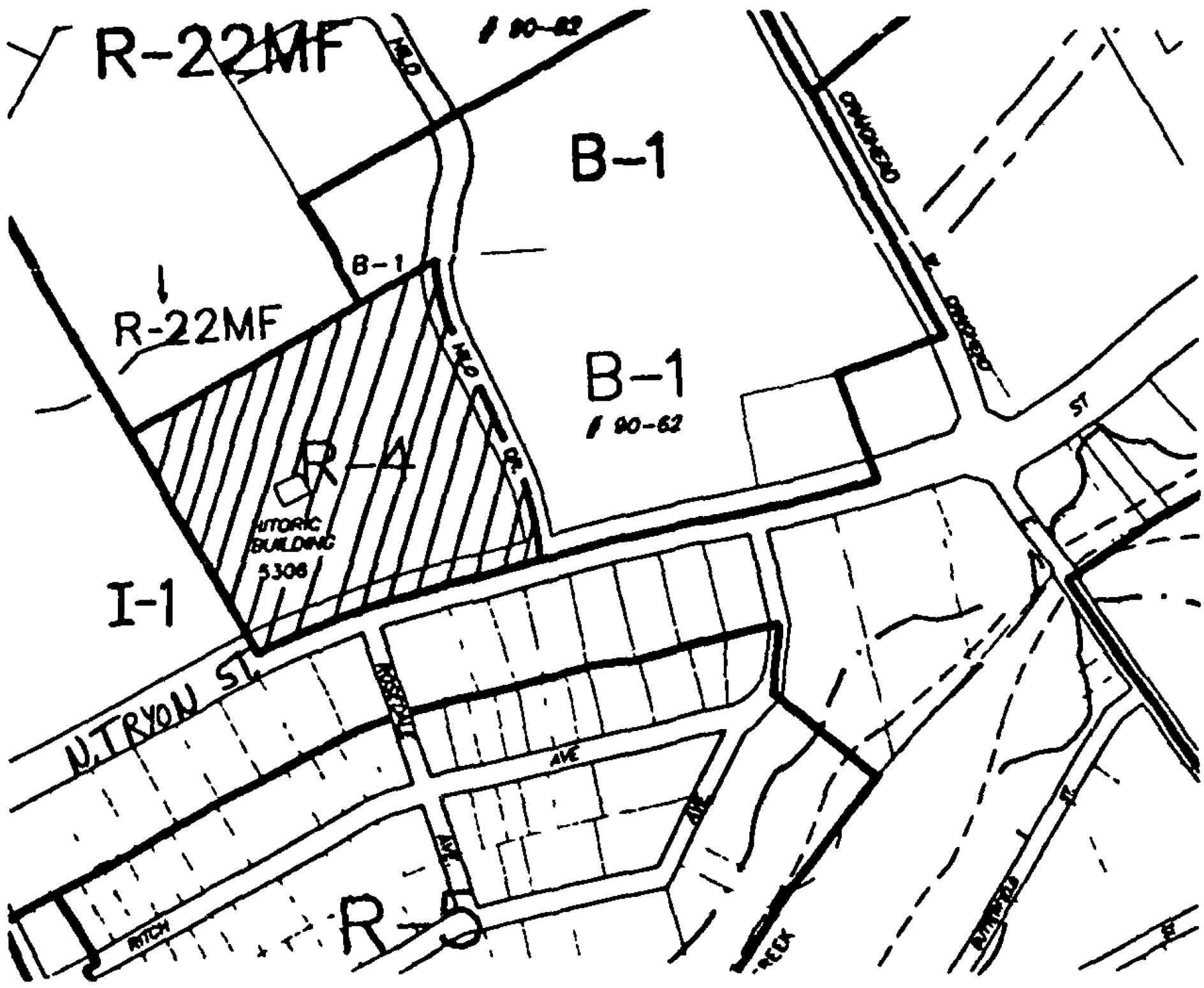
Petitioner: Historic Rosedale Foundation

Hearing Date: September 20,1993

Zoning Classification (Existing): R-4

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

Location: Approximately 8.24 acres located at northwest corner of the intersection between N. Tryon Street and Hilo Drive



Zoning Map #(s): 78,89

Scale: 1" = 400'

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93 49

PETITIONER(S): Fairview/Providence Associates Limited Partnership

REQUEST: Change from R-15MF(CD) to R-17MF(CD)

LOCATION: Approximately 12 54 acres located on the southwesterly corner of Fairview Road and Providence Road.

ACTION: The Zoning Committee recommends that this petition be approved

VOTE: *Yeas* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel

Nays: None.

NOTE: There are nine votes from the Planning Commission on this petition. Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

REASONS

This petition proposes a change from an existing conditional multi-family district to a conditional multi-family district found in the new zoning ordinance. Publicly adopted plans for the area recognize the existing multi-family residential development. Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-49

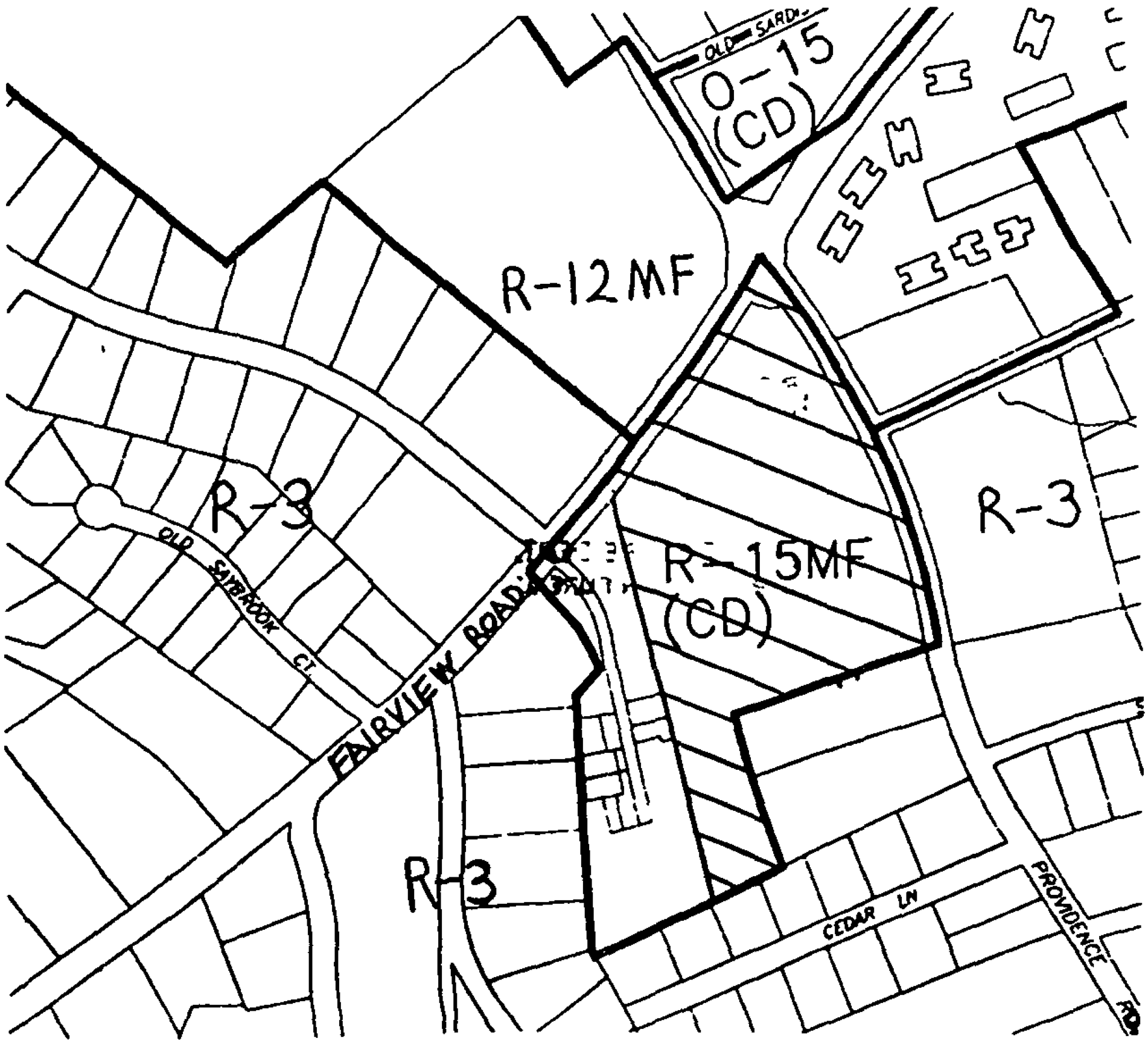
Petitioner: Fairview/Providence Associates Ltd. Limited Partnership

Hearing Date: September 20,1993

Zoning Classification (Existing): R-15MF (CD)

Zoning Classification (Requested): R-22MF (CD)

Location: 12.54 acres located at the southwest corner of the intersection between Providence Road and Fairview Road



Zoning Map #(s): 136

Scale: 1" = 400'

ZONING COMMITTEE RECOMMENDATION

DATE· September 27, 1993

PETITION NO.. 93 50

PETITIONER(S): Tony Fitzgerald

REQUEST: Change from I-2 to I-1

LOCATION: Approximately 10.66 acres located on the south side of the I-85 Service Road east of Starita Road.

ACTION: The Zoning Committee recommends that this petition be approved

VOTE: *Yeas·* Adams, Baucom, Byrne, Heard, James, Jones McMurray, Motley, and Whelchel.

Nays None.

NOTE: There are nine votes from the Planning Commission on this petition. Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence. As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

REASONS

This petition proposes a change from a general industrial district to a light industrial district. *Publicly adopted plans for the area envision it as one of employment type land uses.* Therefore, the Zoning Committee recommends that this petition be approved.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

Petition #: 93-50

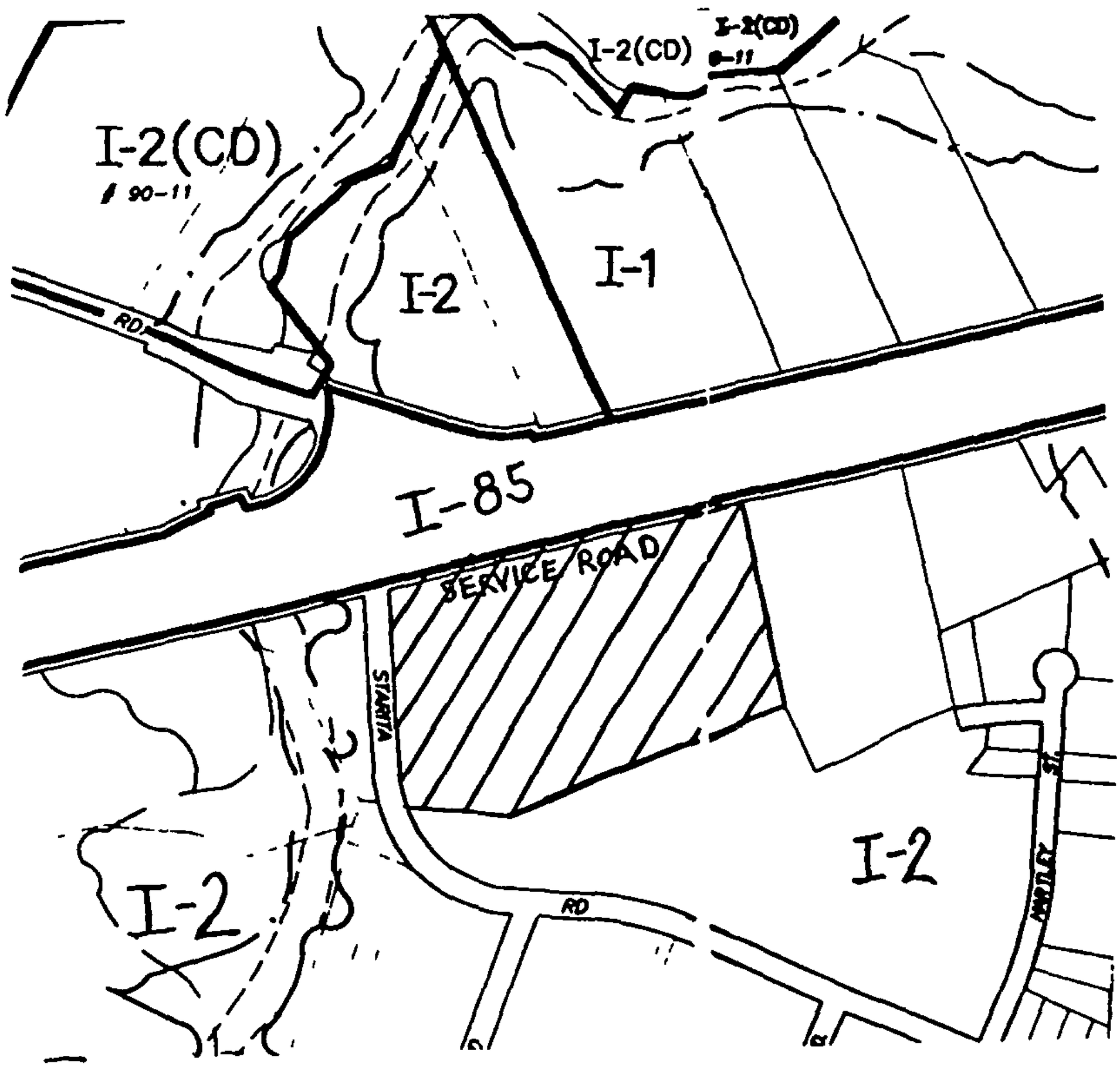
Petitioner: Toney Fitzgerald

Hearing Date: September 20,1993

Zoning Classification (Existing): I-2

Zoning Classification (Requested): I-1

Location: 10.66 acres located at the southeast corner of the intersection of Starita Road and I-85 Service Road



Zoning Map #(s): 78,79

Scale: 1" = 400'

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-51

PETITIONER(S): Samuel M Youngblood, III

REQUEST: Change from R-12MF(CD) to B-D

LOCATION: A 4,280 square foot parcel bounded by Neal Drive, McGill Street and Heathway Drive.

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

VOTE: *Yeas·* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel.

Nays: None.

NOTE: There are nine votes from the Planning Commission on this petition Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence. As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

REASONS

This petition proposes a rezoning from a conditional multi-family residential category to the distributive business district. Publicly adopted plans generally recommend residential development in the area of the subject property. The petitioner has indicated a desire to submit a conditional site plan and has requested a deferral.

At the request of the petitioner, the Zoning Committee deferred action on this petition for 30 days.

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-52

PETITIONER(S): Alan and Terry Beaty

REQUEST: Change from I-1 to I-2

LOCATION: Approximately 5.27 acres located on the northeasterly side of Brookshire Boulevard east of Caldwell Williams Road.

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

VOTE: *Yeas·* Adams, Baucom, Byrne, Heard, James, Jones, McMurray, Motley, and Whelchel.

Nays· None.

NOTE: There are nine votes from the Planning Commission on this petition Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition

REASONS

This petition proposes a change from a light industrial district to a general industrial district. Publicly adopted plans for the area recommend light industrial land uses for the subject property. The Zoning Committee expressed concern about the existing violations and how they would be corrected. At the request of the Zoning Committee, the petitioner agreed to file a conditional site plan. Therefore, the Zoning Committee deferred action on this petition for 30 days to allow the petitioner to file a conditional site plan.

ZONING COMMITTEE
RECOMMENDATION

DATE: September 27, 1993

PETITION NO.: 93-53

PETITIONER(S): McDonald's Cafeteria, Inc

REQUEST: Change from R-4 and R-5 to B-2

LOCATION: Approximately 2 5 acres located off the east side of Beatties Ford Road between "A" Avenue and Wilson Avenue and approximately 1 27 acres located on the north side of I-85 at the end of Spring Street.

ACTION: The Zoning Committee recommends that this petition be denied

VOTE: *Yeas* Adams, Baucom, Byrne, Heard, James, McMurray, Motley, and Whelchel

Nays· None.

NOTE: There are nine votes from the Planning Commission on this petition Some of the members of the Zoning Committee were unable to attend the public hearing on this petition and two members of the Planning Committee attended in their absence As a result, all of the members of the Zoning Committee as well as the two substitutes (Adams and McMurray) from the Planning Committee voted on this petition.

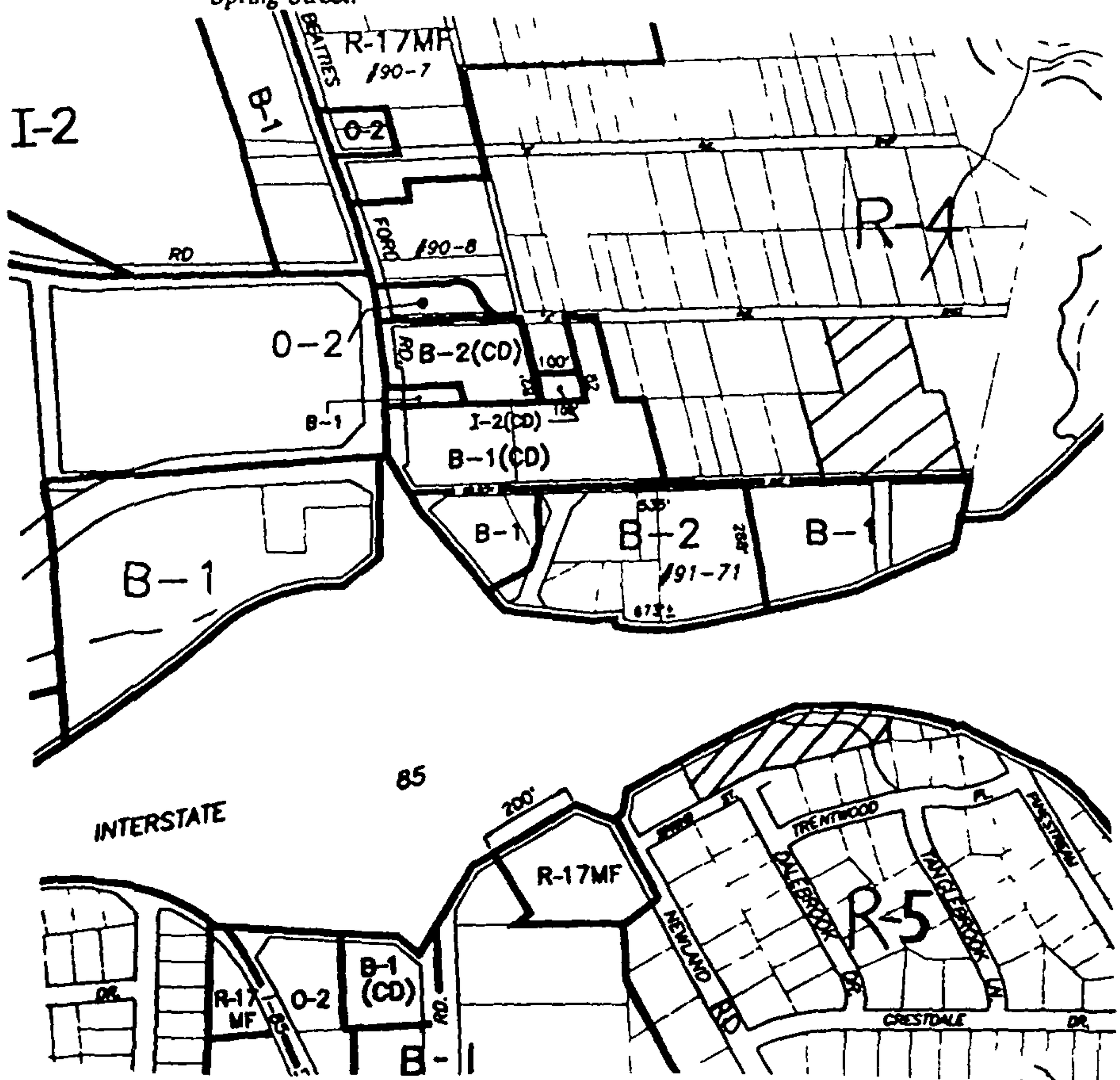
REASONS

This petition proposes rezoning from single family residential to general business in established residential areas Publicly adopted plans call for the preservation and growth of these areas for residential purposes At the public hearing, the petitioner's agent agreed to delete the property located at the end of Spring Street from this petition. The Zoning Committee discussed the efforts that have gone into looking at enhancing and preserving this area as residential. The requested zoning district would allow highway commercial type land uses in a fragile neighborhood. Due to the inappropriateness of the requested land use, the Zoning Committee recommends that this petition be denied

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee

Petition #: 93-53
Petitioner: McDonald's Cafeteria Inc. and John W. & Eunice McDonald
Hearing Date: September 20, 1993
Zoning Classification (Existing): R-4
Zoning Classification (Requested): B-2
Location: Approximately 2 5 acres located between "A" Avenue East and Wilson Avenue and approximately 1 27 acres located on the north side at the end of Spring Street.



Zoning Map #(s): 79

Scale: 1" = 400'