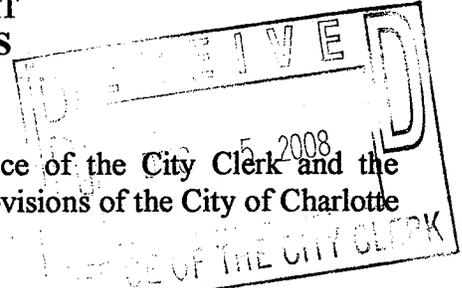


COMMUNITY MEETING REPORT

Petitioner: Michael Berglass DDS

Rezoning Petition No. 2008-157



This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on October 15, 2008. A copy of the written notice is attached hereto as Exhibit A-2.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Wednesday, November 5, 2008 at 7:00 p.m. in the WTVI Board Room located at 3242 Commonwealth Avenue.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Community Meetings were attended by those individuals identified on the sign-in sheets attached hereto as Exhibit B. The Petitioner's representatives at the Community Meeting were Michael Berglass, the Petitioner, Ted Cleary of Cleary Studio and Collin Brown of K&L Gates.

SUMMARY OF ISSUES DISCUSSED:

Collin Brown opened the meeting by introducing Dr. Michael Berglass, Ted Cleary and himself. Mr. Brown stated that this is the Community Meeting in connection with Rezoning Petition No. 2008-157. Mr. Brown then presented a powerpoint presentation summarizing the issues related to this petition. A copy of the presentation is attached as Exhibit C.

During the presentation Mr. Brown indicated that several nearby properties along Central Avenue were already being used for non-residential purposes. Nancy Pierce pointed out that two of the properties had been used a child care facilities for some time and that this was reflected in the small area plan. Therefore, those uses were "grandfathered" in a sense, as they were in place prior to the adoption of the small area plan.

Following the presentation Mr. Brown opened the floor for questions.

Deborah Gilbert raised a concern about the uses permitted in the proposed NS district. Mr. Brown responded the petitioner was proposing a conditional plan which would restrict the site to professional or medical office uses. Neighborhood representatives asked if Dr. Berglass would be willing to limit the permitted use to dental office only. Dr. Berglass responded that he would be willing to include such a condition.

Someone asked Dr. Berglass what percentage of his patients paid cash instead of using insurance. Dr. Berglass responded that he was not sure.

Someone asked whether Dr. Berglass planned on advertising. Dr. Berglass responded that the best way to grow a practice is through word-of-mouth.

Someone asked why Dr. Berglass chose the subject property rather than vacant office space nearby. Dr. Berglass indicated that he had investigated many properties in the area and that most of the available commercial space was too large. He indicated that the subject property was the ideal size for a small dental practice.

Nancy Pierce asked whether the conditions could be changed in the future to allow additional uses. Mr. Brown responded that a condition could be added to clarify that no administrative amendments would be allowed without notifying neighborhood groups.

There was some discussion about the proposed signage on the site. Mr. Brown indicated that Dr. Berglass may be willing to commit to a rendering of proposed signage.

Several members of the audience voiced their support for the proposed rezoning.

Upon conclusion of the formal meeting several discussions continued among small groups of individuals.

CHANGES MADE AS A RESULT OF NEIGHBORHOOD MEETING

- Permitted uses limited to dental office only.
- Added condition requiring neighborhood notification prior to any request for an administrative amendment.
- Proposed signage renderings have been shared with neighborhood representatives.

Respectfully submitted, this 5th day of December, 2008.

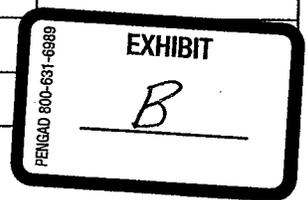
Dr. Michael Berglass, Petitioner

cc: Ms. Stephanie Kelly, Charlotte City Clerk
Ms. Sonya Sanders, Charlotte-Mecklenburg Planning Commission

Michael Berglass, DDS, Petitioner
Rezoning Petition No. 2008-157

Community Meeting Sign-in Sheet
WTVI
Wednesday, November 05, 2008
7:00 P.M.

	NAME	ADDRESS	TELEPHONE	EMAIL ADDRESS
1.	Betty Foulks	3139 Shenandoah Ave	704 5368660	foulksbustfy@yahoo.com
2.	Margie Roberts	1526 Crystal Road	704 537782	(Home 537-7982)
3.	SCOTT R CANUP	2101 ARNOLD DR		
4.	Terry Murphy	1526 Crystal Rd.		
5.	Ben Kinney	3112 Commonwealth	704-531-2289	bkinn@businessny.com
6.	Thanh Huynh	3507 CENTRAL	704-6095940	thanhhuynh@yahoo.com
7.	Nancy Pierce	1637 Flynnwood Dr	7045357409	nancypierce@carolina.com
8.	Deborah Gilbert	1360 Carolyn Dr	7045671395	
9.	TED CLEARY	1309 PINECREST AVE.	704.502.3032	
10.				
11.				
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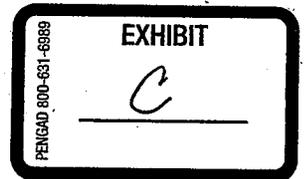
K&L | GATES

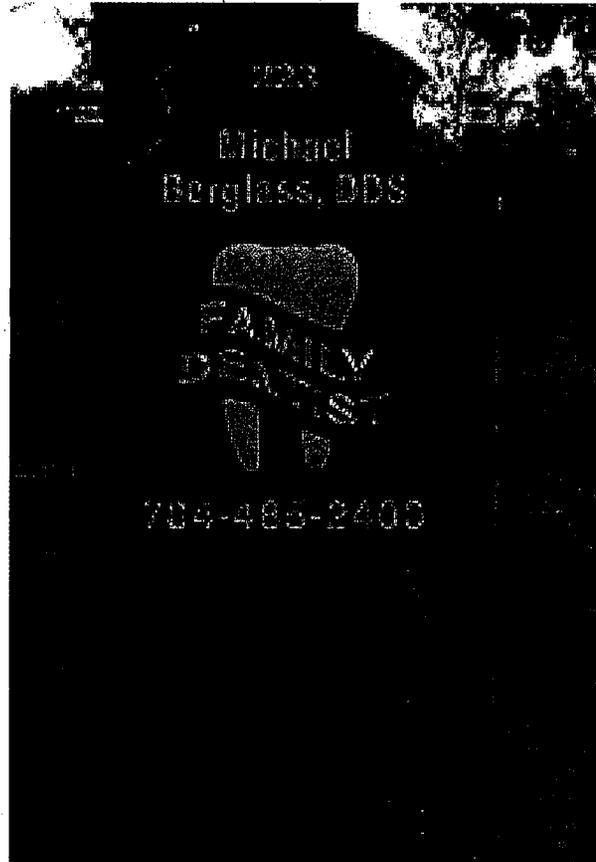
*Rezoning Petition 08-157
3410 Central Avenue*

Collin Brown

www.klgates.com

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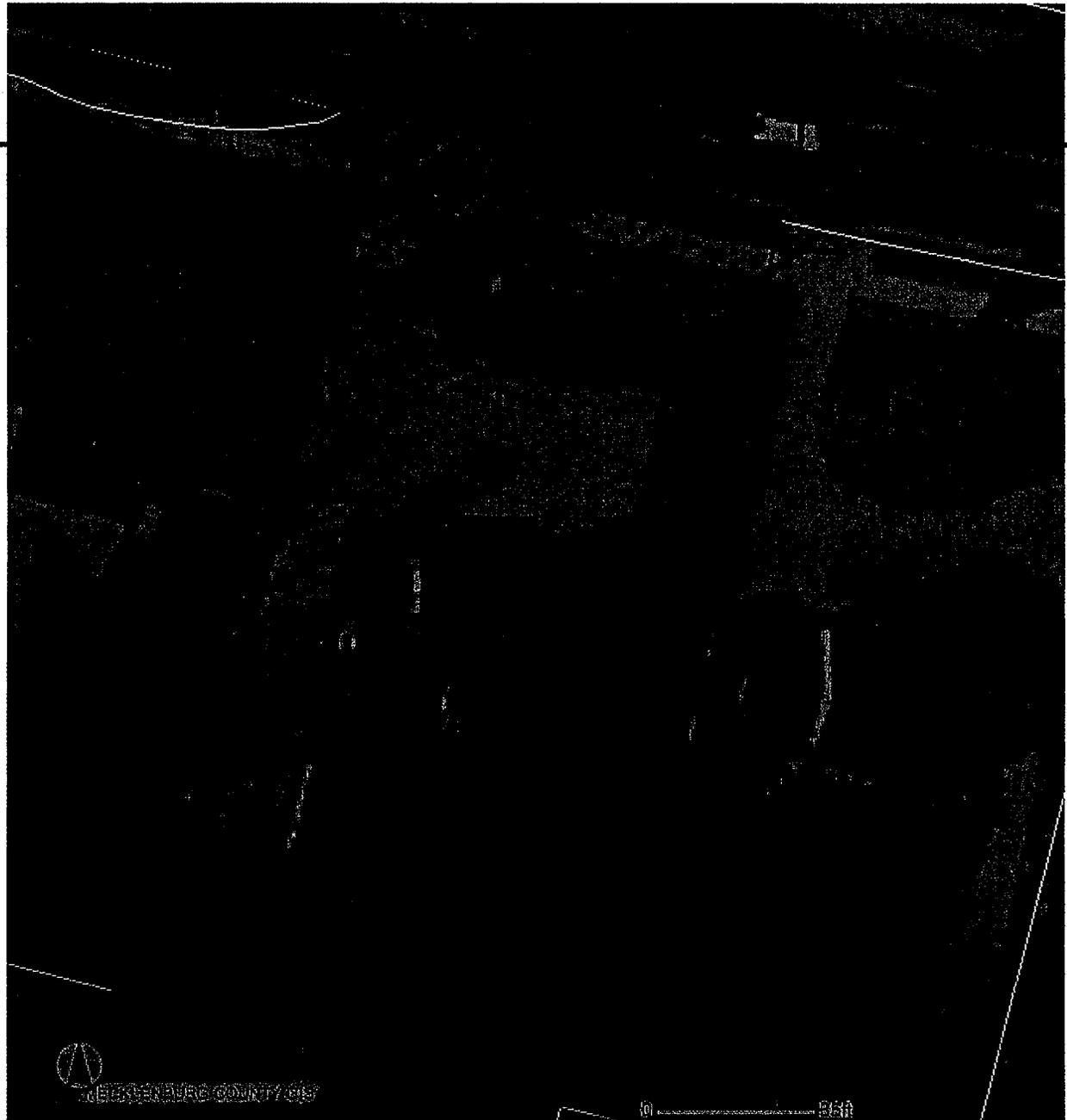


Timeline

- City Open House Forum 11/10/08
- Submit Revised Plans 11/12/08
- Public Hearing 12/15/08
- Zoning Committee TBD
- Council Decision 1/19/09

Questions?

Existing Conditions



CHARLOTTE CODE

PART 3 - MULTI-FAMILY DISTRICTS

Section 9.303. Uses permitted under prescribed conditions.

The following uses shall be permitted in the R-6MF, R-12MF, R-17MF, R-22MF and R-43MF districts if they meet the standards established in this Section and all other requirements of these regulations:

- (05) Active adult retirement communities, subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development shall have no more than 12 units in a building. If more than 12 units are proposed in a building, then the multi-family portion of the development is subject to the requirements of Section 9.303(19).
(Petition No. 2002-146, § 9.303(9.5), 1-21-04)
- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes, subject to the regulations of Section 12.502.
- (2.1) Bed and breakfast (B & B's), subject to regulations of Section 12.521.
- (2.2) Beneficial fill sites, subject to the regulations of Section 12.523.
- (2.3) Boarding houses, subject to regulations of Section 12.520.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Cemeteries, subject to the regulations of Section 12.508.
- (5) Child care centers, subject to the regulations of Section 12.502.
(Petition No. 2003-068, § 9.303(5), 2-17-04)
- (6) Childcare centers in a residence, subject to the regulations of Section 12.502.
(Petition No. 2003-068, § 9.303(6), 2-17-04)
- (7) Clubs, social services and fraternal facilities, provided that:
 - (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
 - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

CHARLOTTE CODE

PART 3 - MULTI-FAMILY DISTRICTS

- (8) (RESERVED)
- (9) Dormitories, provided that:
 - (a) The dormitory will be located within one-half mile of the institutional use it is designed to serve;
 - (b) Building walls over 200 square feet and facing a public-right-of-way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
 - (c) If there are more than 12 living units in a single dormitory or more than one dormitory on the same lot, it shall be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.
- (10) Elementary and secondary schools, provided that:
 - (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class C buffer for elementary schools and junior high schools and Class B buffer for senior high schools from any abutting residential use or residential zoning classification or low intensity institutional use (See Section 12.302), except that buffers shall not be required to separate adjacent public elementary schools; junior high or middle schools; senior high schools; or public parks and greenways; or colleges;
(Petition No. 2000-166, § 9.303(10)(a), 01-16-01)
 - (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools and, for senior high schools, a lot shall front on a minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
 - (d) Subsection 10(b) and 10(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not exceed more than fifty percent of the school's total existing classrooms.

CHARLOTTE CODE

PART 3 - MULTIFAMILY DISTRICTS

- (a) The requirements of Section 12, Part 3: Buffer and Screening will not apply to the placement of mobile classrooms at any school for a period of one year from the date of the issuance of a certificate of occupancy for the mobile classrooms. However, after one year all applicable Buffer and Screening requirements must be fully complied with in all areas occupied by mobile classrooms installed on or after January 1, 1992 unless the subject mobile classrooms have been removed. A Letter of Compliance as required by Section 12.306 must be provided at the time of the issuance of the Certificate of Occupancy for the mobile classroom acknowledging this provision. Mobile classrooms may not be placed within any area which would be used to meet the buffer requirement.
- (f) Except as modified by the requirements of subsection 10(d) of this section, subsections 10(b) and 10(c) of this section shall not apply to additions, modifications, or improvements to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. Notwithstanding the foregoing, subsections 10(b) and 10(c) shall not apply to any elementary school site, which was operating as a school as of January 1, 1992 that has less than 100 feet of frontage on a collector, minor thoroughfare, or major thoroughfare.
(Permit No. 2000-166, § 2.306(10)(f), 01-16-01)
- (11) Equestrian oriented subdivisions, subject to regulations of Section 12.514.
- (11.1) Family childcare homes, subject to the regulations of Section 12.502
(Permit No. 2003-008, § 2.304(11.1), 2-17-03)
- (12) Government buildings, up to 12,500 square feet, provided that:
- All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
 - The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare, and
 - Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

CHARLOTTE CODE

PART 3 - MULTIFAMILY DISTRICTS

- (13) Land clearing and inert debris landfills (LCID): off-site, subject to the regulations of Section 12.503.
- (14) Nonconforming structures and uses, subject to the regulations of Chapter 7.
- (15) Nursing homes, rest homes, homes for the aged and elderly and disabled housing, provided that:
- The maximum number of units or beds permitted is as established in the chart below:

District	Independent Living Units per Acre	Dependent Living Beds per Acre
R-8MF	8	16
R-12MF	12	25
R-17MF	17	40
R-22MF	22	50
R-43MF	43	100
 - If any nursing home, rest home or home for the aged has more than 12 living units in a single building or if there is more than one building on the lot, it shall be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.
- (16) Open space recreational uses, subject to regulations of Section 12.516.
- (17) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:
- Building walls over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
 - If an orphanage, children's home or similar institution has more than 12 living units or if there is more than one building on the same lot, it must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection (19) of this Section.

PART 3 - MULTI-FAMILY DISTRICTS

- (13) Outdoor recreation, subject to the provisions of Section 12.540.
(Ordinance No. 2006-168, § 8.302(14), 03/29/07)
- (13.1) Outdoor seasonal sales, subject to the regulations of Section 12.519.
- (19) Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building, provided that:
- (a) The site plan must be designed giving adequate consideration to the following factors:
 - (i) The size and shape of the tract.
 - (ii) The topography and necessary grading.
 - (iii) The reasonable preservation of the natural features of the land and vegetation.
 - (iv) The size and relationship of buildings.
 - (v) The character of or relationship to adjoining properties.

Building arrangement should discourage the creation of long alleyways between the rear of buildings and should discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building. Consideration should be given to the location and arrangement of recreation and parking areas, the nature and extent of screening, and the design and utilization of streets and open spaces.
 - (b) Every residential building on the site will be separated on every side from any other building by at least 16 feet.
 - (c) All portions of every residential building will be located within 400 feet of a public street or private street which furnishes direct access to a residential building. Determination of whether interior roads will be public streets or private streets, or a combination of public streets and private streets will be made by the Planning Director in consultation with the Charlotte Department of Transportation and Engineering Department. In reaching that decision, consideration should be given to the following:
 - (i) Adopted thoroughfare plan;
 - (ii) Existing and proposed neighborhood streets and circulation needs;
 - (iii) The relationship of the site to adjoining lands;
 - (iv) The size and shape of the tract to be developed;

PART 3 - MULTI-FAMILY DISTRICTS

- On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance.
- In the event that the City or State removes any such on-street parking that was allocated to meet toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.
- All parallel parking shall have a minimum width of 8 feet and be at least 23 feet in length. *(Ordinance No. 2007-128, § 8.309(10)(g), 11/29/07)*
- (g) All structures and off-street parking and service areas will be separated by a Class C buffer along the side or rear yard from any abutting lot located in a single family residential district or abutting single family use (See Section 12.302);
 - (h) Building wall areas over 200 square feet and facing the public right-of-way shall require a minimum of one large maturing tree per 30 feet of linear wall or one small maturing tree per 20 feet of linear wall no closer than 15 feet to the wall; and
 - (i) All locations for recycling containers, solid waste handling areas, dumpsters and/or compactors and their serviced entrances as required under Section 12.403 shall be shown on site plans for their review and approval.
(Ordinance No. 2002-81, § 8.309(7)(g), 4-15-02)
 - (j) No building permit for construction of a planned multi-family or attached development will be issued until a preliminary plan has been approved by the Planning Director in accordance with the requirements of these regulations. After the Planning Director has approved the preliminary plan, the planned multi-family or attached development must proceed through the normal approval process to obtain a building permit.
(Ordinance No. 2002-81, § 8.309(7)(g), 4-15-02)
- (20) Public utility structures, subject to the regulations of Section 12.504.
- (21) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.

CHARLOTTE CODE

PART 3 - MULTI-FAMILY DISTRICTS

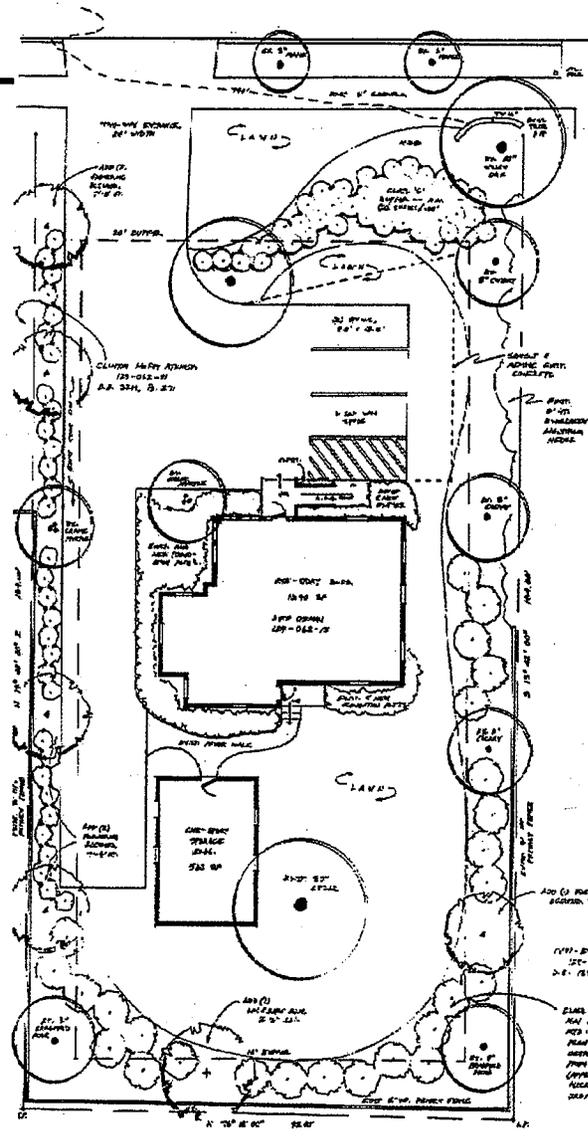
- (22) Recreation Centers, provided that
(Ordinance 2005-41, §12.301(2), 04/20/05)
- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
 - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
 - (d) It contains not more than thirty thousand (30,000) square feet.
- (23) Radio, telephones, cellular telephones and television sets, towers, antennas and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (24) Religious institutions, up to 1,200 seats, subject to the regulations of Section 12.506.
- (25) Retail and office establishments, restaurants and indoor recreation, provided that:
- (a) The establishment will be located within a building that contains at least 50 dwelling units;
 - (b) The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
 - (c) The establishment will have no direct public entrance from the outside of the building; and
 - (d) No merchandise or display of merchandise will be visible from outside the building.
- (26) Shelters
(Ordinance No. 2005-45, §12.301(25), 04/20/05)
- a) Accessory Shelter, subject to the regulations of 12.536.

CHARLOTTE CODE

PART 3 - MULTI-FAMILY DISTRICTS

- (27) Subdivision sales office, provided that:
- (a) The use serves the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliates; and
 - (b) The use shall be terminated upon the completion of the sale of 95 percent of the total number of homes and/or lots; provided, however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.
- (28) Temporary buildings and storage of materials, provided that:
The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.
- (29) Universities, colleges and junior colleges, provided that:
- (a) All buildings, outdoor recreation facilities and off-street parking and service areas will be separated by a Class B buffer from any abutting residential use or residential district (See Section 12.302);
 - (b) The use will be on a lot which fronts a minor or major thoroughfare; and
 - (c) Primary vehicular access will not be provided by way of a residential local (Class VI) street.

CENTRAL AVENUE



MARKET & HIGHWAY AVENUE
 123-012-34
 A.B. 1999, 9.23

DEVELOPMENT CONDITIONS

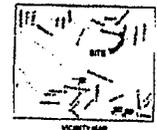
General Conditions

This Development is a part of the building, but not included with the existing building. The building is to be constructed in accordance with the existing zoning and the applicable provisions of the City of Chicago, Illinois, and the applicable provisions of the City of Chicago, Illinois, and the applicable provisions of the City of Chicago, Illinois.

1. **Setback Lines**
 The setbacks for the building shall be as shown on the site plan. The setbacks for the building shall be as shown on the site plan.
2. **Materials, Colors, and Finish**
 The materials, colors, and finish for the building shall be as shown on the site plan.
3. **Landscaping**
 The landscaping for the building shall be as shown on the site plan.
4. **Lighting**
 The lighting for the building shall be as shown on the site plan.
5. **Signs**
 The signs for the building shall be as shown on the site plan.
6. **Accessibility to Building**
 The accessibility to the building shall be as shown on the site plan.

NOTE: BACK TABLE

The back table is to be constructed in accordance with the existing zoning and the applicable provisions of the City of Chicago, Illinois, and the applicable provisions of the City of Chicago, Illinois.



SITE DATA TABLE

Tax Parcel: 129-062-15

Site Area: 0.436 acres

Existing Zoning: R-22MF

Proposed Zoning: NS

Proposed Use: Reuse of the existing structure for professional office purposes

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Rezoning Site Plan associated with the Rezoning Petition filed by Michael Berglass, DDS to accommodate reuse of the existing structure located on an approximately 0.436 acre site located at 3410 Central Avenue (the "Site"). The Site is currently zoned R-22MF and the purpose of this Petition is to request rezoning to the NS district.

Unless the Rezoning Site Plan or these Development Standards sheets accompanying this Rezoning Petition establish more stringent standards, the regulations established under the Charlotte Zoning Ordinance ("the Ordinance") for the NS Zoning District shall govern all development taking place on the Site.

Development on the Site will be restricted to reuse of the existing structure for professional office purposes.

Permitted Uses

The Site may be devoted to dental, medical and other professional office uses as permitted in the NS zoning district. Incidental or accessory uses which are permitted under the Ordinance by right or under prescribed conditions in the NS zoning district are permitted.

Setbacks, Side Yards and Rear Yards

All buildings constructed on the Site shall satisfy or exceed the setback, rear yard and side yard requirements established under the Ordinance for the NS zoning district.

Vehicular Access

- (a) Vehicular access to the Site shall be as generally depicted on the Rezoning Site Plan. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation ("C-DOT") and/or the North Carolina Department of Transportation ("NC-DOT") including alterations to accommodate any right of way needs and/or construction easements.
- (b) Prior to the issuance of a building permit for any building to be constructed on the Site, the Petitioner shall dedicate and convey (by quitclaim deed and subject to a reservation for any necessary utility easements) that portion of the Site immediately adjacent to Central Avenue as required to provide right of way measuring 40 feet from the existing centerline of Central Avenue if such right of way does not currently exist.

Lighting

The maximum height of any freestanding light fixtures erected on the Site shall not exceed fifteen (15) feet.

All lighting fixtures installed within the Site shall be full cut-off fixtures, capped and downward directed.

Signs

Any detached signs placed on the Site will not exceed seven feet in height, 21 square feet in copy area and shall comply with requirements of the Ordinance.

Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, the Schematic Site Plan, other sheets accompanying the Petition and these Development Standards may be applied for by the then Owner or Owners of the Parcel or Parcels within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under these Development Standards and the Technical Data Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.

Throughout these Development Standards, the terms, "Petitioners" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the Owner or Owners of the Site from time to time who may be involved in any future development thereof.

Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

Aerial View

