AGENDA

<table>
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<tr>
<th>Meeting Type:</th>
<th>B</th>
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<tbody>
<tr>
<td>Date:</td>
<td>10-18-1982</td>
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City of Charlotte, City Clerk's Office
### Meetings in October '82

**THE WEEK OF OCTOBER 3 - OCTOBER 9**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>Monday, 4</td>
<td>12 Noon</td>
<td>CITY COUNCIL LUNCHEON - City Hall Annex, Training Center</td>
</tr>
<tr>
<td>Monday, 5</td>
<td>12 30 p.m.</td>
<td>CITY COUNCIL PRESENTATION (Preliminary Findings from the Architect on the Little Rock AME Zion Church in First Ward) - City Hall Annex, Training Center</td>
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<tr>
<td>Tuesday, 5</td>
<td>7 30 p.m.</td>
<td>PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room</td>
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<td>Wednesday, 6</td>
<td>7 30 a.m.</td>
<td>AD HOC COMMITTEE ON PLANNING/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room</td>
</tr>
<tr>
<td>Wednesday, 6</td>
<td>9 00 a.m.</td>
<td>CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber</td>
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<td>Wednesday, 6</td>
<td>4 00 p.m.</td>
<td>CITY COUNCIL LONG RANGE FUNDING COMMITTEE - City Hall, Second Floor Conference Room</td>
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<tr>
<td>Thursday, 7</td>
<td>2 30 p.m.</td>
<td>CITY COUNCIL AD HOC SOLID WASTE COMMITTEE - City Hall, Second Floor Conference Room</td>
</tr>
<tr>
<td>Thursday, 7</td>
<td>4 00 p.m.</td>
<td>SITE PLAN REVIEW COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room</td>
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**THE WEEK OF OCTOBER 10 - OCTOBER 16**

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<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Monday, 11</td>
<td>12 Noon</td>
<td>PLANNING COMMISSION (Work Session) - Cameron-Brown Building, First Floor Conference Room</td>
</tr>
<tr>
<td>Monday, 11</td>
<td>5 00 p.m.</td>
<td>CITY COUNCIL EXECUTIVE SESSION/DINNER - South Mecklenburg High School, Park Road Extension</td>
</tr>
<tr>
<td>Monday, 11</td>
<td>7 00 p.m.</td>
<td>CITIZENS HEARING (District 7) - South Mecklenburg High School, Park Road Extension</td>
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<tr>
<td>Monday, 11</td>
<td>7 30 p.m.</td>
<td>CITY COUNCIL MEETING (District 7) - South Mecklenburg High School, Park Road Extension</td>
</tr>
<tr>
<td>Tuesday, 12</td>
<td>9 00 a.m.</td>
<td>HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room</td>
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<tr>
<td>Tuesday, 12</td>
<td>2 30 p.m.</td>
<td>MECHANICAL ADVISORY BOARD - City Hall Annex, Building Inspection Conference Room</td>
</tr>
<tr>
<td>Wednesday, 13</td>
<td>11 00 a.m.</td>
<td>AUDITORIUM-COLISEUM-CIVIC-CENTER AUTHORITY - Civic Center Conference Room</td>
</tr>
<tr>
<td>Wednesday, 13</td>
<td>4 00 p.m.</td>
<td>SITE PLAN REVIEW COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room</td>
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<tr>
<td>Wednesday, 13</td>
<td>7 30 p.m.</td>
<td>HISTORIC PROPERTIES COMMISSION - City Hall, Second Floor Conference Room</td>
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(Continued on back)
Conference Room
City Hall Annex, Building Inspection

Mortenson Street

Community Relations Committee - City Hall Annex, Building Inspection

Conference Room
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Monday, 9 a.m.
IN MEETING ON MONDAY, OCTOBER 18, 1982

5:00 P.M. - COUNCIL/PLANNING COMMISSION
Refreshments - Rooms 237-38

6:00 P.M. - ZONING HEARINGS
Board Room
Education Center

ITEM NO.

1. Invocation by the Reverend Ronald Heinze of Redeemer Lutheran Church

PUBLIC HEARINGS

2. Hearing on Petition No 82-25 by the Charlotte-Mecklenburg Planning Commission to amend the zoning ordinance to include a section entitled Urban Development Center - Village (UDC-V)

Attachment No 1

3. Hearing on Petition No 82-65 by the Mecklenburg ABC Board to change zoning from 0-15 to B-1 (CD) for a 114.54 feet by 169.24 feet site located on the east side of Carmel Road beginning 208 feet south of Highway 51.

Attachment No. 1
4. Hearing on Petition No 82-66 by BCI Property Company No 10 to change zoning from B-15CD to B-1SCD Site Plan Amendment for a 5.327 acre site at 6525 Morrison Boulevard with frontage on both Roxborough Road and Morrison Boulevard.

Attachment No 1

5. Hearing on Petition No 82-67 by Acme Retail, Inc to change zoning from R-6MF to B-1(CD) for a 1.208 acre site located at the western corner of Belhaven Boulevard and Linwood Avenue.

Attachment No 1.

6. Hearing on Petition No 82-68 by the Charlotte Mecklenburg Planning Commission to amend the zoning ordinance, Article III (Permitted Uses, Special District, Conditional Uses and Special Use Permits), and Division 2 (Special Requirements for Certain Permitted Uses), Section 23-54 10.

Attachment No 1

7. Hearing on Petition by the Charlotte Mecklenburg Planning Commission to amend the subdivision ordinance text to change the requirements regarding the width of public roadways on each side of a center strip divider.

Attachment No 1

POLICY AGENDA

8. Decision on Petition No 82-24 by D L Phillips Investment Builders, Inc. for a change in zoning from R-9, R-6MF, O-6, and I-2 to I-1(CD) for a 10.4 acre tract fronting 1,566 feet on Barringer Drive, approximately 344 feet south of the intersection of Clanton Road and Barringer Drive.

The Planning Commission recommends that the petition be approved.

Attachment No 2.
Decision on Petition No. 82-45 by John Simpson for a change in zoning from B-1 to B-2 (CD) for a 325 acre site on the southerly side of Shamrock Drive about 153 feet east of the intersection of Shamrock Drive and Florida Avenue.

A protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

The Planning Commission recommends that the petition be denied.

Attachment No. 2

Decision on Petition No. 82-50 by Catawba Economic Development Association, Inc. for a change in zoning from R-9 to R-9MF (CD) for a 4.3 ± acre tract on the westerly side of North Sharon Amity Road at North Sharon Amity/Hickory Grove Road intersection.

The Planning Commission recommends the petition be approved in accordance with a recently amended site plan.

Attachment No. 2

Decision on Petition No. 82-51 by City of Charlotte, Community Development Department, for a change in zoning from R-6MF to I-3 for a 1.276 acre site at the northwest corner of East 12th Street and Alexander Street.

The Planning Commission recommends that the petition be approved.

Attachment No. 2

Decision on Petition No. 82-61 by John Crosland Company for a change in zoning from I-1 to R-12 MF for a 5.074 acre tract fronting 354 feet on the north side of Covedale Drive, about 250 feet west of the intersection of Old Monroe Road and Covedale Drive.

The Planning Commission recommends that the petition be approved.

Attachment No. 2.
13. Decision on Petition No. 82-62 by Mecklenburg Baptist Association Board, Inc. for a change in zoning from R-PUD to R-15 for a 3.2 acre tract on the westerly side of Providence Road, about 300 feet south of the intersection of Cedar Croft Drive and Providence Road.

The Planning Commission recommends that the petition be approved.

Attachment No. 2.

14. Decision on Petition No. 82-63 by Philip Thomas for a change in zoning from R-6 to R-9MF(CD) for a .270 acre site fronting about 78 feet on Dilworth Road East, approximately 167 feet south of East Boulevard.

The Planning Commission recommends that the petition be approved.

Attachment No. 2.

15. Decision on Petition No. SUP 82-2 by Lambda Chi Alpha Fraternity for a Special Use Permit to accommodate a fraternity use in an R-9 district for a 3-acre lot fronting 300 feet on the westerly margin of Sugar Creek Road, about 345 feet north of Cushman Street.

The Planning Commission recommends that the Special Use Permit be approved.

Attachment No. 2.

16. Recommend adoption of resolutions providing for public hearings on Monday, November 15, 1982, 6:00 P.M., Board Room of Education Center.

(A) Resolution providing for public hearing on Petitions No. 82-69 through 82-71, for zoning changes.

(B) Resolution providing for a public hearing to consider a change in the Subdivision Ordinance.

17. Recommend adoption of resolutions calling joint public hearings of City Council and Historic Properties Commission on November 15, 1982, at 6:00 p.m. Board Room of Education Center, to consider designating the following properties as historic.

(A) The "Charles W. Parker House" (interior and exterior), and the land associated therewith, at 901 Central Avenue.

(B) The "Crowell-Berryhill Store" (interior and exterior, excluding the cinder block addition at the rear of the building), and the land associated therewith, at 401 West Ninth Street.
SCHEDULE OF MEETINGS
OCTOBER 18 THRU OCTOBER 22

Monday, October 18  City Council/Planning Commission
Refreshments
Rooms 237-38 - Education Center

City Council/Planning Commission
Zoning Hearings and Decisions
Board Room - Fourth Floor
Education Center
Mayor and City Council

RE Pre-hearing Reports for Rezoning Petitions to be heard in October, 1982

Attached you will find the pre-hearing reports, including appropriate maps and copies of each petition, for rezoning petitions scheduled for public hearing on October 18, 1982 at 6:00 P.M., Fourth Floor, Education Center, 701 E. Second St.

These pre-hearing reports are intended to provide background information concerning the requests and the area in which the properties are located.

Sincerely,

Bob Young
Robert G. Young
Zoning Hearing Supervisor

RGY/mh
B2
Purpose of Change

This district is intended for application at select locations throughout the urbanized and urbanizing area. This district provides areas where moderate scale mixed use centers can locate with an emphasis on the development of a balance of residential, institutional, retail, office and conference center/hotel uses.
Petition No.: 82-25
Charlotte-Mecklenburg Planning Commission
Request: Amend the zoning ordinance to include a section entitled
Urban Development Center - Village (UDC-V)
Purpose: This district is intended for application at select locations
throughout the urbanized and urbanizing area. This district
provides areas where moderate-scale mixed use centers can locate
with an emphasis on the development of a balance of residential,
institutional, retail, office and conference center/hotel uses.

(See attached material)
An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows

1 Amend Article II, Division 1, by adding a new Section 23-4.3 Urban Development Center as follows

Sec. 23-4.3. Urban Development Centers

(a) UDC-V Urban Development Center-Village This district is intended for application at select locations throughout the urbanized and urbanizing area. This district provides areas where moderate scale mixed use centers can locate with an emphasis on the development of a balance of residential, institutional, retail, and office

2 Amend Article III by adding a new Division 5. Urban Development Center Districts as follows

Sec 23-40 Urban Development Center - Village (UDC-V)

(A) Intent The adopted Comprehensive Plan - 1995 calls for mixed use centers integrated within the urban fabric of this community. The intent of these centers is to

1 Provide areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations,

2 Provide a focal point for public utilities and services in the area, and

3 Provide a focal point for major urban land uses in the area

4 Avoid traffic congestion through use of optional modes of transportation;

5 Decrease pedestrian hazards,

6 Encourage high aesthetic and design standards,

7 Decrease the anxiety of area residents regarding the nature and amount of new developments coming to their area, and

8 Work in concert with public policies to prevent strip development and to limit higher density and intensity development within a given radius of the borders of this District
The Urban Development Center-Villaggio (UDC-V) permits moderate scale mixed-use centers with an emphasis on the development of market-access and a maximum area of 160 acres. Such sites may also be accessed directly by at least two thoroughfares as defined on the current access and a maximum area of 50 acres. The UDC-V is intended for application at specific area plans for the vicinity in which the UDC-V district is market-access oriented, with access busses and transfers, which allow greater amounts of development. In this way market-access may be given to office development or office, they shall be handed through a conditional office development or office. However, where rezones for higher density housing or commercial or

Radii of evaluation of development = Total site area x 0.15 miles/acre

Applicability shall be calculated as follows:

The radius will be computed in terms of that portion of any UDC-V site within a 0.15 mile radius of the borders of any UDC-V site. Any portion of the UDC-V site that will be affected by the UDC-V shall be included in the total site area.

In such cases, the UDC-V shall be applied in areas where some development may also be applied in areas where some development

mixed-use centers opportunities

home-work proximity

major employment-opportunity opportunities

transit accessibility

Regard to the following:

In approving such a voluntary application to increase the UDC-V area, the City Council shall take into consideration whether the area is a part of an area of recent development, the City Council shall take into consideration whether the area is a part of an area of recent development, and any other factors that the City Council deems relevant. The City Council may take into consideration whether the area is a part of an area of recent development, and any other factors that the City Council deems relevant. The City Council may take into consideration whether the area is a part of an area of recent development, and any other factors that the City Council deems relevant. The City Council may take into consideration whether the area is a part of an area of recent development, and any other factors that the City Council deems relevant. The City Council may take into consideration whether the area is a part of an area of recent development, and any other factors that the City Council deems relevant.
(C) **Permitted Uses**

1. Residential uses - single family detached, single family attached and multi-family - separately or in conjunction with retail and/or office uses
2. Office uses - professional, business and corporate
3. General and specialized retail, personal services, retail services, banks, theatres, or other similar services as a separate use or in conjunction with other uses
4. Museums, libraries, churches, schools, post offices, hospitals, or other similar institutional uses
5. Parks, playground, YMCA's, YWCA's, or similar public or private recreational facilities

(D) **Development Standards**

1. Concept Plan  To insure the appropriate consideration of the impacts of development upon adjacent uses, a Concept Plan shall be submitted and reviewed in accordance with Section E
2. Application  At the time of application for a change of zoning to the UDC-V District, all property owners or their agents shall certify that they have the authority to bind the property to the proffered plan and that the property will be so bound if the zoning change sought for it is approved by the City Council
3. Community meeting required  At some time not more than ten business days following the filing of an application for change in zoning to the UDC-V District, there shall be a meeting between the property owners/developers, or their agents, and representatives of interested neighborhood groups. The notice of this meeting to the neighborhood groups, as well as the time and place for it, shall be arranged by the Planning Director or his designated agent. The purpose of this meeting shall be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it. The Planning Director, or his designated agent, shall moderate at the meeting. The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting.
4. Definitions  For the purposes of this District the following definitions shall be applicable
   
   (a) single family detached - a structure which contains one (1) dwelling unit,
   (b) single family attached - a dwelling unit which shares by attachment or other means of fixture a common roof, wall or design element with another dwelling unit and which is not located above or below another dwelling unit and which contains its own exclusive entry,
above provided that for every two square feet of office
area as set forth above, 3 square feet of office gross
floor area shall be added up to the limits defined
above provided that for every one square foot of retail
floor area, 20% of the maximum permitted retail gross
floor area may be added up to the limits defined
above.

The following conditions shall apply:

The maximum permitted office gross floor area is permitted under
20% of the maximum permitted retail gross floor area and 30% of
the total permitted gross floor area. An increase of up to

(c) The maximum height above the ground of any building constructed
and/or active recreational space

(e) At least 15% of the site shall be landscaped open space

Maximum gross floor area = Total site area x 0.125 sq/acre

(d) The maximum gross floor area devoted to office uses, as
designated in the concept plan shall be calculated as follows:

Maximum gross floor area = Total site area x 0.15 sq/acre

(c) The maximum gross floor area devoted to retail uses, as
designated in the concept plan shall be calculated as follows:

Maximum number of dwelling units = Total site area x 1.25 dun/acre

(b) In the concept plan shall be calculated as follows:

The maximum permitted number of dwelling units as designated

(a) In the concept plan shall be calculated as follows:

The minimum permitted number of dwelling units as designated

shall be applicable in the UDC-2 district, the following site usage
interrelated design of recreational and retail and office uses
mixed use core - that designated area containing an
units either sharing a common means of entry and/or exit
structure containing two (2) or more dwelling
multifamily - a structure containing two (2) or more dwelling
gross floor area one square foot of retail gross floor area is deleted

7 Institutional and recreational uses permitted There shall be no limit upon the gross floor area devoted to institutional or recreational uses.

8 Development phasing No more than 50% of the approved retail and office gross floor area may be constructed until at least 25% of the approved number of dwelling units has been constructed or is under construction. No more than 75% of the approved retail and office gross floor area may be constructed until at least 50% of the approved number of dwelling units has been constructed or is under construction.

9 Parking Parking for the permitted uses in the UDC-V District is subject to the following regulations:

(a) For the first 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 180 square feet of gross floor area.

(b) For the second 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 200 square feet of gross floor area.

(c) Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section.

(d) Parking shall be provided for permitted land uses for which no specific requirements are listed in this section in accordance with the parking standards in Sec. 23-61.1 through 23-75.

(e) All parking lots shall have at least 10% of their area landscaped and planted. In addition, the periphery of each parking lot is to be landscaped and planted so as to protect and preserve the character of the project.

(f) For every parking space provided and maintained for park-and-ride or ridesharing purposes, one additional space may be added to the general inventory of parking spaces above the maximum normally permitted.

(g) A percentage of the parking spaces provided may be for compact or small cars. Such spaces shall have minimum dimensions of 7.5 feet in width and 15 feet in length. For each parking space built for compact or small cars an additional 0.25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted. The percentage of spaces which may be provided for compact or small cars shall be specified by the City Department of Transportation. This percentage shall be equal to the percentage of all cars registered in Mecklenburg County or the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact.
In addition, in accordance with the provisions of Section 18-4.1, the standards may also be modified under this subsection of the Charter of Subdivision Ordinance, the following subsection.

(y) open space

(8) off-street parking

(9) height of fences and walls

(10) building separations

(b) setbacks and yards

(c) frontage on a public street

(d) lot width

(e) lot area

(f)

(g)

(h)

(i)

(j)

(k)

(l)

(m)

(n)

(o)

(p)

(q)

(r)

(s)

(t)

(u)

(v)

(w)

(x)

(y)

(z)

Development standards below may be modified under these provisions:

- Establishing a UDC-Y District. Only certain developments may be included as a part of the development permit application. Therefore, the opportunity for innovative development projects should not be forfeited. The community need that would not otherwise be met develops to evaluate only those innovative concepts that produce process an acceptable in accordance with Chapter 13-95 of this chapter and Section 18-27.2

- Land use in accordance with the normal range, it should be emphasized that this subsection is not to be interpreted as applicable to other situations. Development will be applying in accordance with the provisions of an application on its merits and circumstances. Furthermore, it is recognized that some concepts will be more successful than others, and the need for a mechanism to facilitate each application for a development.

16 Site integration and transit access to the land use

Within the mixed-use core of the site, for the loading and unloading of transit and truss uses, the amount of access and property must be provided.

15 Circulation and access

Uses must be recognized and addressed. The character of the residential neighborhood must be preserved with existing street and local standards at every phase in development.

14 Storm water runoff

The storm water runoff must be compatible with the development uses, infrastructure, and other developed property conditions. The uses to which the site is dedicated at the point where the UDC-Y District begins.
(1) street right-of-way,
(2) sidewalks,
(3) curb and gutter, and
(4) street type (public or private)

(E) Concept Plan

1 Intent By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area, a special process to review development is created. The emphasis of this process is on how the development proposal will impact its environment, on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed. It is therefore the purpose of this section to ensure that minimum standards established for the UDC-V District are achieved and that the administrative approval of any specific building plans is accomplished in an efficient and timely manner.

2 Elements of the Concept Plan The elements of the Concept Plan are the Development Program and the Off-Site Inventory.

3 Concept Plan review required The proposed construction of any component approved in the Concept Plan shall not be approved for development permits by the Building Inspection Department until the Planning Director, or his designated agent, acting as an agent of the Superintendent of the Building Inspection Department has determined that the structures are in compliance with the Concept Plan and all other provisions of this ordinance.

4 Concept Plan review

(a) Application Each applicant for a change of zoning to the UDC-V District must be accompanied by a Concept Plan for the proposed development. The Concept Plan and the application must be filed with the Planning Commission, and must be accompanied by a Development Program and an Off-Site Inventory.

(b) Development Program A Development Program shall indicate the following:

1 total square feet of residential gross floor area proposed
2 total gross floor area proposed for retail, office, hotel and institutional uses
3 general location of the mixed use core
4 general location of all non-residential development (whether in mixed use core or not)
5 traffic impact analysis for the use mix sought
6 transit access plan
7 bicycle access plan
8 auto access plan
10. Pedestrian access plan

11. Critical situations showing proposed treatment of the streetcross-sections at areas of significant change in topography and intensity of use. These cross-sections may include such factors as mass, bulk, screening, buffer, and pedestrian and vehicle safety. The detail shall include at least the right-of-way of the thoroughfare as well as 40 feet on either side of the thoroughfare. Cross-sections on sites of a property line, where the character of adjoining properties varies, and at points where the street is 50 feet wide on either side of the street.

12. Cross-section of a typical parking lot indicating a description of the layout of the lot, type of pavement, and dimension. Cross-sections of a parking lot may be shown for residential areas.

13. While the planting of trees, shrubs, and other vegetation is a natural part of landscaping, the planting of such vegetation shall be developed and maintained to ensure the safety of all persons using the roadway. The planting of such vegetation shall be shown on the plan for the street or lot where it is to be used.

Optional Project Information:

- Ecological sensitivity, dramatic and principal views, historic and significant sites, physiographic obstruction, and great opportunity in the significant trees and vegetation to be retained on the site.
- A map depicting generalized land use for all properties abutting the site with the names and addresses of all owners and the City-County Tax Collector available in the office of the City-County Tax Collector.
- Public utilities and facilities such as schools, water service, sewer service, roads, and storm water management.

Pre-application consultation. Applicants are encouraged to seek a pre-application consultation with the Planning Director and his designated agent to discuss the proposed concept plan and its relationship to the proposed concept plan for this District.
(f) **Amendments to the Concept Plan before the public hearing.**

The applicant may make changes to the Concept Plan up to ten business days before the scheduled public hearing. Such changes shall be on file and available for public viewing in the offices of the Planning Commission. Any changes to the Concept Plan submitted within less than ten days of the scheduled public hearing shall require that the public hearing be rescheduled in the manner normally prescribed.

(g) **Decision on Concept Plan.**

With respect to each application, the City Council may approve the Concept Plan, disapprove it, or approve it with such modifications and conditions as may be consistent with the criteria and standards listed in this District. Within 5 business days following the City Council's determination with respect to an application for a change in zoning to the UDC-V District, the Planning Director or his designated agent shall inform the applicant, and other persons who request it, of the City Council decision on the Concept Plan.

(h) **Development Permit Approval.**

Within 15 business days following the submission of an application for a development permit to construct any uses subject to this District, the Planning Director or his designated agent shall make a recommendation to the Superintendent of the Building Inspection Department. The conclusions of this recommendation shall specifically address the relationship between the proposed construction and the Concept Plan and the criteria and standards listed in this District.

In applying for approval of development permits to construct any uses subject to this district, the applicant shall include, by letter to the Planning Director, a statement of intent outlining the purpose and objectives for the portion of the UDC-V site for which development permit approval is being requested. In addition, the applicant shall note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)15, the number and sizes of buildings proposed, what special design features or amenities are being incorporated which make the proposed development significant and worthy of approval, and any other applicable information that the applicant may deem appropriate. In addition, the applicant shall submit a site development plan, for the uses for which development permits are requested, drawn to scale showing the following information:

1. Proposed lot configuration(s),
2. Proposed vehicular circulation system and off-street parking arrangements,
3. Proposed pedestrian facilities, unobstructed open space and active recreational space,
4. Proposed screening, including fences, walls, or planting areas,
Proposed development or amendment of an existing significant natural features; and Proposed storm water management plan.

The Planning Director or the Superintendent of the Building Inspection Department may request additional information as they deem necessary for an adequate review of the proposed development, such as but not limited to, individual dwelling unit concepts, building location, intended use and design of the open space network, recreational amenities, and the like.

Appeal of Development Permit Disapproval. If the Planning Director or his designee disagrees with any use, subject to this development, the grounds for such disapproval shall be stated in writing to the Superintendent of the Building Inspection Department and the applicant. After such disapproval an appeal from the recommendation of the Planning Director may be taken to the Planning Commission. The Planning Commission may disapprove such an appeal if it finds that the proposed development is not in harmony with the general development policy of the City. The Planning Commission may also modify the Planning Director's recommendation and may approve any uses subject to the District, or authorize the Planning Commission to be eligible for consideration by the Planning Commission of the Planning Director of the Building Inspection Department.

Procedure. Applicants for a change of zoning to the UDC-V District shall be given the opportunity to present their petition to the City Council within a time not to exceed 45 minutes. Opponents of such a proposed change in zoning, as a group, shall be allowed an equal amount of time. With the exception of these provisions, all other rules shall be applicable.

Amendments to an approved Concept Plan. Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96, except that the provision of paragraph (d) shall not apply. However, changes of development which do not alter the basic relationship of development permitted or which do not increase the off-street parking development or which do not decrease the density, or intensity of development permitted or which do not alter the uses permitted or which do not alter the character of development shall be allowed.

Effect of approval. If an application is approved, the UDC-V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent owners thereof.

(k)
development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, three (3) years from the date of approval, the Planning Commission shall examine progress made to develop in accordance with approved Concept Plans to determine if active efforts to so develop are proceeding. If it is determined by the Planning Commission that active efforts to so develop are not proceeding, a report shall be forwarded to the City Council which may recommend that action be initiated to remove the UDC-V District in accordance with procedures outlined in Section 23-96. Furthermore, every 3 years thereafter from the date of approval of a Concept Plan, the Planning Commission shall examine the progress made to develop in accordance with the approved Concept Plans to determine if development complies with provisions, conditions and restrictions - if any - of the approved Concept Plan. If such development does not comply, a report shall be forwarded to City Council which may recommend that action be initiated to remove the UDC-V zoning in accordance to procedures outlined in Section 23-96.
Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form

City Attorney

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

Ruth Armstrong,
City Clerk
PETITIONER Mecklenburg ABC Board

PETITION NO. 82-65    HEARING DATE October 18, 1982

ZONING CLASSIFICATION, EXISTING 0-15     REQUESTED B-1(CD)

LOCATION A 114.54 feet by 169.24 feet site located on the east side
of Carmel Road beginning 208 feet south of Hwy. 51.

ZONING MAP NO. 53     SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE
Location Of Property

Size (Sq Ft Acres) 114.54 feet x 169.24 feet

Zoning Request

Purpose of zoning change To permit the construction of an ABC Store as per Conditional Plan.

Property Owner

North Carolina National Bank

Owner's Address

One NBNA Plaza

Charlotte, North Carolina 28280

Date Property Acquired March 27, 1980

Deed Reference 4921 - 812

Tax Parcel Number 221-201-9

Partition

East side of Cornel Road

Street Frontage (ft.) 114.54

Existing Zoning 0-35

Requested Zoning B-1 (CD)

Fred E. Bryant

Name of Agent

1850 E. Blvd St., Charlotte, N. C. 28204

Applicant Address

Telephone Number

Telephone Number

Petition No. 8C-65

Date Filed 9/3/82

Received By KSO

OFFICE USE ONLY

Mecklenburg ABC Board

Name of Petitioner(s)

400 E. Second, Charlotte, N.C.

Address of Petitioner(s)

3767-7444

Telephone Number
**Petition No.**
82-65

**Petitioner:**
Mecklenburg ABC Board

**Request:**
0-15 to B-1(CD)

**Purpose:**
To permit the construction of an ABC Store

---

**PROPERTY INFORMATION**

**Property Owner:**
NCNB

**Date Acquired:**
March 27, 1980

**Deed Reference:**
Book 4921, Page 812

**Tax Parcel No.:**
221-201-09 (portion)

**Current Tax Value:**
$31,044 (estimate)

**Size:**
.445 acre

**Street Frontage:**
114.54 feet on Carmel Road Extension

**Current Land Use:**
Vacant

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**ZONING HISTORY**

**Present Zoning:**
0-15

**Date Established:**
September, 1970

Past Zoning Proposals or Changes on Property Within Area:
The petitioner's property was rezoned from R-12 and R-15 to 0-15 in September, 1970. This rezoning was a part of a large tract of approximately 54 acres which was also changed to 0-15. There have been numerous rezoning petitions at the northeast corner of N.C. 51 and Carmel Road between 1969 and 1981 which have been approved for 0-15. On the westerly side of Carmel Road Extension across from the petitioner's property, a tract of about 81 acres was rezoned from R-12 to B-1S(CD) in 1970. Then in 1978 the B-1S(CD) was scaled down in size to approximately 37 acres and R-15MF(CD) approved for the remainder of the property. The Carmel Commons Shopping Center is now located on N.C. 51 and Carmel Road Extension. To the south of the petitioner's property on the easterly side of Carmel Road Extension at Rural Park Place a petition was approved for rezoning from 0-15 to B-1 in 1972 to accommodate a Southern Bell operation.

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**NEIGHBORHOOD FEATURES/CHARACTERISTICS**

**Defined Neighborhood:**
Carmel

**Transportation Facilities:**

<table>
<thead>
<tr>
<th>Adjacent Roadways</th>
<th>Roadway Characteristics</th>
<th>Traffic Volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.C. 51</td>
<td>2-Lane/Major Thoroughfare</td>
<td>14,400 AADT (1982)</td>
</tr>
<tr>
<td>Carmel Road Extension</td>
<td>4-Lane/Local Residential</td>
<td>5,000 AADT (1981)</td>
</tr>
</tbody>
</table>

Transit Service:
Route 45X (Carmel Road Express) provides weekday service with two A M and two P M runs during the rush hours.
The proposed zoning amendments are as follows:

- **Streets:** Minimum is 40 feet.
- **Rear Yard:** Minimum is 20 feet.
- **Side Yard:** Minimum is 8 feet.
- **Setback:** Minimum is 40 feet.
- **Lot Size:** Minimum is 15,000 sq ft.

**Development Standards**

**Density:** Not applicable

**Use:** Office

**Neighborhood Business**

**Proposed Zoning:** (B-1 (CD))

**Significant Zoning Distinctions**

An update of the N.C. 51 Study is underway and both alternatives were found satisfactory with the area to be developed.

The plan for development of a larger area and the desire to plan pedestrian activities in the area of interest, as well as the study of pedestrian activity, should be favorably considered.

The adopted policy of the N.C. 51 Study states that other plans and programs, the proposed office development, and the comprehensive plan 1995, The Plan has generally had adverse effects on the property.

**Transportation Improvement Program (TIP)**

The proposed widening of N.C. 51 to four lanes between Pineville and Matthews would accommodate anticipated increases in traffic volumes. The project is estimated to cost $3.6 million and has been identified as a priority for funding in the next five years.
PETITIONER                 BCI Property Company No. 10
PETITION NO.              82-66                      HEARING DATE          October 18, 1982
ZONING CLASSIFICATION, EXISTING B-1SCD                      REQUESTED B-1SCD Site Plan Amendment
LOCATION                A 5.327 acre site at 6525 Morrison Boulevard with frontage
                                      on both Roxborough Road and Morrison Boulevard.

ZONING MAP NO.               27                                SCALE 1" = 800'
PROPERTY PROPOSED FOR CHANGE
Telephone Number (704) 364-8660
Agent's Address
Charlotte, North Carolina 28210

Name of Agent 6230 Farrington Road

Description, Architects, Inc.

Site Plan Amendment to After Office Building and Parking Deck
Purpose of zoning change Site modification to approved plan (June, 1973)
Requested Zoning B1-SCD
Existing Zoning B1-SCD

Zoning Request

Current Land Use Office
Size (sq ft acres) 6,042 sq acres (263,220 SF)

Description of Property
(Corner of Morrison Boulevard and Foxborough Road)

Location of Property

Tax Parcel Number 177-079-01
Deed Reference 4019/916
Date Property Acquired January 1, 1978

Owner's Address 4423 Sharon Road, Charlotte, North Carolina 28211

Property Owner BCI Property Company No. 10 (A North Carolina General Partnership)

Ownership Information

OFFICIAL REZONING APPLICATION

CITY OF CHARLOTTE

OFFICE USE ONLY

Received By
Date Filed

Petition No.

88-66
Petition No. 82-66
Petitioner: BCI Property Company No. 10
Request B-1SCD Site Plan Amendment
Purpose Site plan amendment to alter office building and parking deck.

PROPERTY INFORMATION

Property Owner: BCI Property Company No. 10
Date Acquired: January 1, 1978
Deed Reference: Book 4019, Page 916
Tax Parcel No.: 177-079-01
Current Tax Value: $3,142,330
Size 5.327 acres
Street Frontage: 417 feet on Morrison Boulevard and 271 feet on Roxborough Road
Current Land Use: Office

ZONING HISTORY

Present Zoning. B-1SCD
Date Established: May, 1965

Past Zoning Proposals or Changes on Property Within Area. There have been numerous rezoning requests in the vicinity of the petitioner's property since the zoning was approved in May, 1965 as a part of the SouthPark B-1SCD. An amendment to the B-1SCD was approved in November, 1977 to permit construction of the Specialty Shops on the Park Shopping Center at the intersection of Morrison Boulevard and Roxborough Road. Also in 1977 petitions to rezone to 0-15 and 0-15(CD) on the northerly side of Morrison Boulevard were approved. In 1980 an amendment to the B-1SCD plan was approved to allow Wachovia Bank on Morrison Boulevard to expand its operation. In 1981 another amendment to the B-1SCD site plan on the northerly side of Morrison Boulevard near the Barclay Downs Drive intersection was approved. In addition, a request was approved at the intersection of Colony Road and the westerly side of Roxborough Road to rezone to R-12MF and 0-15. The most recent change once again involved an amendment to the B-1SCD site plan to permit construction of a hotel on the southerly side of Morrison Boulevard near Barclay Downs Drive.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: SouthPark

Transportation Facilities

Adjacent Roadways Roadway Characteristics Traffic Volumes
Morrison Boulevard 4-Lane/Collector 9,800 AADT (1981)
Roxborough Road 2-Lane/Local Residential 3,500 AADT (1980)

Transit Service: Route 3 (Selwyn Avenue) serves the site at SouthPark with service every 30 minutes, 6 00 A.M. to midnight, seven days a week.
<table>
<thead>
<tr>
<th>Use</th>
<th>Development Standards</th>
<th>Proposed Zoning (B-1SCD)</th>
<th>Present Zoning (B-1SCD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Office</td>
</tr>
<tr>
<td>Lot Size</td>
<td>Minimum is 35 feet</td>
<td>Minimum is 35 feet</td>
<td>Minimum is 35 feet</td>
</tr>
<tr>
<td>Density</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Setback</td>
<td>Minimum distance from other property lines to any building under forty (40) feet shall be twenty-five (25) feet in height;</td>
<td>The minimum distance from other property lines to any building forty (40) feet in height shall be thirty-five (35) feet.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Side Yard</td>
<td>Minimum distance from other property lines to any building forty (40) feet in height shall be thirty-five (35) feet.</td>
<td>The minimum distance from other property lines to any building sixty (60) feet in height shall be thirty-five (35) feet.</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
PETITIONER: Acme Retail, Inc.

PETITION NO.: 82-67        HEARING DATE: October 18, 1982

ZONING CLASSIFICATION, EXISTING: R-6MF        REQUESTED: B-1(CD)

LOCATION: A 1.208 acre site located at the western corner of Belhaven Boulevard and Linwood Avenue.

ZONING MAP NO.: 14          SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE
Zoning Request

Purpose of Zoning Change To construct a convenience store with gasoline

Existing Zoning B-3 (CD)

Zoning Request by

Acme Retail Inc.

Description of Property

Street Frontage (ft) Attached

Size (sq. ft. Acres) Attached

Location of Property

Tax Parcel Number Attached

Deed Reference Attached

Date Property Acquired Attached

Owner's Address Attached

Ownership Information

City of Charlotte

Official Rezoning Application

Petition No. 22-67
OWNERSHIP INFORMATION

3 Cornelia A. Green
RFD 6, Box 606-I
Charlotte, N.C. 28208

Date Property Acquired: 12/1/82
Deed Reference: 1578-68
Tax Parcel #: 039-018-03

Location Of Property
110 N. Crigler
Charlotte, N.C.

Description Of Property
Size: .292 Acres
Street Frontage: 60 feet
Current Land Use: Rental Property
To whom it may concern:

September 6, 1982

GASTONIA N.C. 28052 (704) 867 2259

ACME RETAIL INC.
OWNERSHIP INFORMATION

#10 Robert F. Catoe & Betty O. Catoe
1228 Oakdale Rd.
Charlotte, N.C. 28216

Date Property Acquired: 4/22/67
Deed Reference: 2926-69
Tax Parcel #: 039-018-10

Location Of Property
115 & 117 N. Linwood St.
Charlotte, N.C.

Description Of Property
Size: .227
Street Frontage: 82 feet
Current Land Use: Rental Property
To whom it may concern:

September 6, 1982

GESTONIA N.C. 28052 (704) 887-2336
603 NORTH MARITANA STREET P.O. BOX 2539

ACME RETAIL INC.
OWNERSHIP INFORMATION

#11 Warren B. Rogers, Sr.
5029 Glenbrair Dr.
Charlotte, N.C. 28212

Date Property Acquired: 1/20/82
Deed Reference: 4503-277
Tax Parcel #: 039-018-11

Location Of Property
119 N. Linwood St.
Charlotte, N.C.

Description Of Property
Size: .172 Acres
Street Frontage: 50 feet
Current Land Use: Rental Property
September 6, 1982

To Whom It May Concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6MF to R1. This property is noted in the Mecklenburg County, North Carolina Tax Book # C-35, plat # 11.

Signed,

[Signature]

property owner

903 North Marietta Street • P.O. Box 2358
Gastonia N.C. 28052 (704) 867-2336

ACME RETAIL INC.
OWNERSHIP INFORMATION

#12 Suddreth Electronic Supply
3626 Rozzells Ferry Rd.
Charlotte, N.C. 28216

Date Property Acquired: 3/20/74
Deed Reference: 3633-204
Tax Parcel #: 039-018-12

Location Of Property
Southwest corner of N. Linwood St. and N.C. Hwy. 16
Charlotte, N.C.

Description of Property
Size: .517
Street Frontage: 135.9 Hwy. 16; 161.62 N. Linwood St.
Current Land Use: Vacant Lot
ACME RETAIL INC.

To whom it may concern:

Acme Retail Inc. has my permission to change the zoning on the piece of property I presently own from R6MF to BL. This property is noted in the Mecklenburg County, North Carolina Tax Book # 2-39, on page O-18, plat 8, block 12.

Signed,

[Signature]

property owner

September 6, 1982
Petition No.: 82-67
Petitioner: Acme Retail, Inc.
Request: R-6MF to B-1(CD)
Purpose: To construct a convenience store with gasoline pumps.

PROPERTY INFORMATION

Property Owners:
1) Cornelia A. Green; 2) Robert F. and Betty O. Catoe;
3) Warren B. Rogers, Sr., 4) Suddreth Electronic Supply

Date Acquired:
1) December 1, 1982; 2) April 22, 1967; 3) January 20, 1982,
4) March 20, 1974

Deed Reference:
1) Book 1578, Page 68; 2) Book 2926, Page 69; 3) Book 4503,
Page 277; 4) Book 3633, Page 204

Tax Parcel No.:
1) 039-018-03; 2) 039-018-10, 3) 039-018-11; 4) 039-018-12

Current Tax Value:
1) $6,730; 2) $10,520; 3) $8,350, 4) $2,810 (Total $28,410)

Size:
1) .292 acres; 2) .227 acres; 3) .172 acres, 4) .517 acres
(Total 1.208 acres)

Street Frontage:
1) 60 feet on N. Crigler St.; 2) 82 feet on N. Linwood St.;
3) 50 feet on N. Linwood St.; 4) 261.62 feet on N. Linwood St.
and 135.9 feet on Belhaven Blvd.

Current Land Use:
1) residential, 2) residential, 3) residential; 4) vacant

ZONING HISTORY

Present Zoning: R-6MF

Date Established: January, 1962

Past Zoning Proposals or Changes on Property Within Area: A part of the petitioner's request, three lots which front on Linwood Avenue, were rejected for rezoning to B-1 in August, 1970. On the northern side of Belhaven Boulevard on both sides of Crigler Street, a rezoning from R-6MF to B-1 was approved in 1967. At the northwest corner of Linwood Avenue and Belhaven Boulevard, across the street from the petitioner's property, a rezoning change was approved from R-6MF to B-1 in 1978. A request to rezone from R-6MF to B-2(CD) north of the petitioner's property along Belhaven Boulevard was approved in 1980. At a subsequent rezoning in 1981 the B-2(CD) site plan was amended. The latest attempt to rezone a single lot in December, 1981 from R-6MF to B-2 near the petitioner's property on Rozzells Ferry Road was denied.

NEIGHBORHOOD FEATURES/CHARACTERISTICS

Defined Neighborhood: Hoskins

Transportation Facilities:

Adjacent Roadways    Roadway Characteristics    Traffic Volumes
Brookshire Boulevard  4-Lane/Major Thoroughfare    22,900 AADT (1982)
Linwood Avenue        2-Lane/Local Residential    Not Available

Transit Service: Route 81 (Mt. Holly Road) serves Rozzells Ferry Road (one block from the petitioner's property) with service seven days a week from 6:00 A.M. until midnight on 15 minute headways during rush hour and 30 minute headways normally.
<table>
<thead>
<tr>
<th>SIGNIFICANT ZONING DISTINCTIONS</th>
<th>Proposed Zoning (A-6)</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Zoning (B-I)CD</td>
<td>Neighborhood Business</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Other Plans and Programs</td>
<td>None</td>
<td>None</td>
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</tbody>
</table>

**Comprehensive Plan 1995**

The Plan Map generally indicates residential development at a density of 0-6 dwelling units per acre in the vicinity of petitioner's property.

**Transportation Improvement Program (TIP)**

The proposed project consists of upgrading approximately 15.6 miles of existing I-85 through Charlotte from N.C. 273 in Gaston County to the US 29 - NC 49 Connector in Mecklenburg County and includes the widening of I-85 from four to six lanes and the reconstruction of existing interchanges and structures. The estimated project cost is $13,466,000. Construction is to begin in FY 84.

**Lot Size:**

Minimum is 6,000 sq. ft. for the first dwelling unit and 2,000 sq. ft. for each additional dwelling unit.

**Setback:**

Minimum is 25 feet.

**Side Yard:**

Minimum is 8 feet one side; 6 feet other side.

**Rear Yard:**

Minimum is 40 feet.
ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No 82-68
Date Filed 9/9/82
Received By Ken Davis
OFFICE USE ONLY

Article No Article III (Permitted Uses, Special District, Conditional Uses and Special Use Permits)
Division No Division 1 (permitted Uses) Division 2 (Special Requirements for Certain Permitted Uses)
Section No 23-31(a) Section: 23-34.10

Purpose of Change To allow certain limited accessory uses to churches in residential districts under prescribed conditions.

Name of Agent
Agent's Address
Telephone Number

Name of Petitioner(s) 301 S McDowell
Address of Petitioner(s) 374-2205
Telephone Number

Signature
See attached material.

To allow certain limited accessory uses to churches in residential districts under prescribed conditions.

Purpose:

Request:

Request No.

82-68
Ordinance No.__________

An Ordinance Amending Chapter 23 of the City Code - Zoning Ordinance

An Ordinance Amending the City Code with respect to the Zoning Ordinance

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Article III, Division 1, Section 23-31(a). Business Uses in the Table of Permitted Uses by denoting with an "X" in the columns labelled "Residential District" and by adding in the proper order the following:

   Churches and synagogues - accessory uses such as bookstores, offices, printing and distribution, and similar uses on the same lot in Residential Districts subject to the requirements in Section 23-34.10.

2. Amend Article III, Division 2. Special Requirements for Certain Permitted Uses by adding a new Section 23-34.10. Accessory uses associated with churches on the same lot in residential districts as follows:

   Certain limited uses may be established as accessory uses on the same lot with churches and synagogues in any Residential Districts. The following requirements shall apply in addition to any other applicable requirements of this ordinance.

   (a) No merchandise or merchandise display window shall be visible from outside the building.
   (b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
   (c) All parking shall be screened in accordance with Section 23-30.10.
   (d) Accessory uses must not violate the yards, separation or open space requirements which apply to principal church structures.

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

APPROVED AS TO FORM:

__________________________

City Attorney

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

Pat Sharkey, City Clerk
SUBDIVISION
ZONING ORDINANCE
TEXT AMENDMENT APPLICATION
CITY OF CHARLOTTE

Petition No ______________________
Date Filed Sept. 9, 1982
Received By Ken Davis
OFFICE USE ONLY

Article No Chapter 18, Subdivisions (Title)
Division No Article II, Improvements (Title)
Section No Section 18-26(c) (Modification of Requirements; Bond)

Purpose of Change To change the requirements regarding the width of public roadways on each side of a center strip divider.

Name of Agent ____________________________
Agent's Address ____________________________
Telephone Number ____________________________

Charlotte-Mecklenburg Planning Commission
Name of Petitioner(s) ____________________________
301 South McDowell Street
Address of Petitioner(s) ____________________________
374-2205
Telephone Number ____________________________
Signature ____________________________
ORDINANCE NO. __________

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 26 (SUBDIVISION REGULATIONS)

OF THE CODE OF THE CITY OF CHARLOTTE, NORTH CAROLINA

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

Section 1. Chapter 18, Article II Improvements, Section 26(c), is amended by

replacing the entire paragraph with the following paragraph to read as follows:

"Sec. 18-26(c). Where a subdivider elects to establish a public roadway
divided with a center strip, the width of the roadway on each side of the
center strip divider shall be determined on an individual need basis, but
shall not be less than sixteen (16) feet wide from face of curb to face of
curb except a lesser width may be acceptable at intersections due to traffic
control considerations. Except for specific provisions to the contrary con-
tained in this section, the requirements of Section 18-18 shall apply to
divided roadways and related street rights-of-way."

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North
Carolina, in regular session convened on the day of , 19

the reference having been made in the Ordinance Book, beginning on Page ________

City Clerk
Mayor Eddie Knox
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on petitions for rezoning which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in meetings of the Planning Commission held on September 7, 13 and 20, 1982.

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 on October 5, 1982. This will then permit these matters to be placed on your agenda for consideration on October 18, 1982.

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

Respectfully submitted,

Robert G. Young
Zoning Hearing Supervisor

RGY:oF
Attachments
DATE         September 7, 1982

PETITION NO. 82-24

PETITIONER(S) D. L. Phillips Investment Builders, Inc.

REQUEST    Change from R-9, R-6MF, 0-6, and I-2 to I-1(CD)

LOCATION A 10.4 acre tract fronting 1,366 feet on Barringer Drive, approximately 344 feet south of the intersection of Clanton Road and Barringer Drive.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Greene, Jernigan, Lawing, McCoy, Smith and Trotter.

Nays: None

REASONS:

The following issues associated with this request can be identified

1. Area Objectives. Would the approval of this request be consistent with existing and anticipated land use and zoning patterns?

2. Site Plan. Does the site plan submitted in conjunction with this request represent a reasonable plan for development?

3. Industrial/Residential Relationship. What is the edge relationship between the adjacent residential development and the proposed industrial development? Is that relationship satisfactory?

In arriving at answers to the above questions, the following facts should be considered:

1. Existing Zoning. The petitioned property is configured in such a way as to contain four different zoning classifications. The majority of the property is zoned R-6MF. The remaining three classifications are R-9, 0-6 and I-2. Across Barringer Drive from the site is a large area zoned for general industrial purposes. R-9 and R-9MF surrounds most of the property on the other sides, with an area zoned 0-6 also contiguous to the west. At the Clanton Road/I-77 interchange property is zoned B-1 for commercial purposes.
tion is to separate to rotate an adequate buffer in those areas. A minimum setback
allows other screen planting will be installed where the natural vegetation
exists. A 20 foot natural screen/buffer around the perimeter of the property.

4. The plan proposes a maximum building area of 13,000 square feet and includes
rezoning to develop a rezoned site plan which would be amenable to both sides.

3. Following the public hearing, the petitioner worked closely with neighborhood
representatives to develop a request for I-1 (CD) incorporation of a plan for control and development of
industrial nature and character. Development examination confirms this section of barrier drive reflects in
existing urban industrial uses and single family residences. The existing
existence of barrier drive reflects in barrier drive between

Findings may also be made:

Based on the above issues, facts and General Findings, the following detailed

The following General Findings can be arrived at:

now only about a half dozen types of uses will be allowed.

- The number of uses permitted in the I-1 district,

- Site plan. The original site plan submitted incorporated the development of not

- The rezoned area for single family residential. Also necessary are the roostrapes,

- Extant land use. The subject property is vacant. Property located directly

- The rezoned site plan for I-1 (CD) incorporation of a plan for control and development of

- The petitioner. The subject property is as a vacant parcel located on barrier drive between

- 0-6 and 10-02, 6th and Commercial/office max in the vicinity. The plan map indicated residential development.

- Comprehensively, plan 1999, the plan map indicated residential development.

- The rezoned area for single family residential. Also necessary are the roostrapes,

- Extant land use. The subject property is vacant. Property located directly

- The rezoned site plan for I-1 (CD) incorporation of a plan for control and development of
level of one story or 24 feet has been established as a part of this plan. Finally, the list of industrial uses is extremely restrictive, with only a few uses permitted rather than the whole range of light industrial uses as originally requested.

5. Considering the restrictive conditional plan and in light of the property's frontage relationship and orientation to the existing industrial uses located across the street on Barringer Drive, this request is a justifiable and reasonable approach to development of the subject site.
PROPERTY PROPOSED FOR CHANGE

SCALE 1" = 800'

ZONING MAP NO. II

LOCATION: 10.40 acre tract fronting 1366.22 feet on the northerly edge of
Barrunter Drive, approximately 344 feet south of the intersection of Canaan
Road and Barrunter Drive.

ZONING CLASSIFICATION: EXISTING O-6; R-6
REQUESTED: I-1 (CD)

PETITION NO. 82-24

HEARING DATE 5/17

PETITIONER
D. L. Phillips Investment Builders, Inc.
DATE September 20, 1982

PETITION NO. 82-45

PETITIONER(S) John Simpson

REQUEST Change from B-1 to B-2(CD)

LOCATION A .325 acre site on the southerly side of Shamrock Drive about 153 feet east of the intersection of Shamrock Drive and Florida Avenue.

ACTION The Planning Commission recommends that the petition be denied.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, Smith and Trotter.

Nays: None

REASONS:

The following issues associated with this request can be identified:

1. Overall Objectives. Would the approval of this request be consistent with overall zoning and land use objectives for this area?

2. Proposed Use. Would the proposed use, a repair garage, be compatible with the surrounding area?

In arriving at answers to the above questions, the following facts should be considered.

1. Existing Zoning. The petitioned property is presently zoned B-1 as is property on both sides. The predominate zoning district in the immediate area, however, is the R-6MF district. The broader area pattern reflects other multi-family and single family classifications.

2. Existing Land Use. The petitioner's property is currently being used as an automobile repair garage. Neighborhood-oriented uses such as convenience stores are also nearby. The predominate land use in the area is residential development. This mostly reflects a single family pattern, but a large concentration of duplex structures, Shamrock Terrace, is also in the immediate vicinity.
6. In light of the above, this request cannot be granted.

Problems associated with this commercial area and should be deconstructed.

zones, particularly with respect to the proposed use, will only add to visual
sensory and present a safety net for pedestrian areas. The following business
in the area. For example, one convenience store that opened is now not in use
due to a new stoplight on the street.

5. The neighborhood retail uses in this vicinity have experienced some marketing

face and across the street on the walk.

organized by the area, particularly with respect
to the existing uses in the area. This use is not permitted in the area.

4. An accommodation to repair a balance is a characteristic of this operation and

neteworkhood-oriented commercial zone in the area.

3. General business zone at the location would be incongruent with the

B-1 and, thus, the necessity by the petition for a zone change.

2. The site is developed with a repair garage. This use is not permitted in

zone. The subject property is located in the neighborhood and is in close proximity to all business.

Based on the above issues, facts and General Findings, the following conclusions can be arrived at.

1. Comprehensive Plan 1995. The plan mandates residential development, 0-6 dwelling units per acre, in the vicinity of the petition's property.

2. Site plan. The site plan submitted as a part of the request indicates that the property will be used for an accommodation repair garage. An existing car

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4. An accommodation to repair a balance is a characteristic of this operation and

neteworkhood-oriented commercial zone in the area.

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B-1 and, thus, the necessity by the petition for a zone change.

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zone. The subject property is located in the neighborhood and is in close proximity to all business.

Based on the above issues, facts and General Findings, the following conclusions can be arrived at.

1. Comprehensive Plan 1995. The plan mandates residential development, 0-6 dwelling units per acre, in the vicinity of the petition's property.

2. Site plan. The site plan submitted as a part of the request indicates that the property will be used for an accommodation repair garage. An existing car

3. Site plan. The site plan submitted as a part of the request indicates that the property will be used for an accommodation repair garage. An existing car
PETITIONER  John Simpson
PETITION NO. 82-45 HEARING DATE 9/20/82
ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2(CD)
LOCATION A .325 acre site fronting 205+ feet on the southerly side of Shamrock Drive approximately 153 feet east of the intersection of Shamrock Drive and Florida Avenue.

ZONING MAP NO. 6 SCALE 1" = 800'
PROPERTY PROPOSED FOR CHANGE
DATE         September 13, 1982
PETITION NO.  82-50
PETITIONER(S) Catawba Economic Development Association, Inc.
REQUEST    Change from R-9 to R-9MF(CD)
LOCATION    A 4.3± acre tract located on the westerly side of North Sharon Amity Road at North Sharon Amity/Hickory Grove Road intersection.
ACTION        The Planning Commission recommends the petition be approved in accordance with a recently amended site plan.
VOTE        Yeas: Boyce, Culbertson, Curry, Evans, Greene, Jernigan, Lawing, McCoy and Trotter.
        Nays: Smith
REASONS:

The following issues associated with this request can be identified:

1. Overall objectives. Would the approval of this request be compatible with overall zoning and land use objectives for the area?

2. Relationship to single family homes. What impact, if any, on existing single family homes would result from the construction of a multi-family project on this site?

3. Sharon Amity relationship. What design relationships with regard to frontage areas along Sharon Amity and the landscaped medium in Sharon Amity are desirable?

4. Site Plan. Does the site plan offer a development plan that is compatible with the surrounding environment?

In arriving at answers to the above questions, the following facts should be considered:

1. Existing Zoning. The subject property is zoned R-9 as is a large area generally to the west. Single family zoning is the dominate zoning pattern in the vicinity. The exception to this is an area zoned R-9MF in the area of the N Sharon Amity/Hickory Grove Road intersection.
The property's median is surrounded by improvements to North Sharon Avenue, including:

1. The subject property is zoned R-9.
2. Single-family homes adjoin the property, part of which front on Sanford Place back to the subject property.
3. The site and shape of the property is of such a nature to reasonably provide
   for multi-family housing compatible with the neighborhood.
4. In addition, the property's relationships to a major thoroughfare and
   the existence of multi-family housing at the junction of the Property
   and Hamilton Avenue are factors that contribute to its desirability.
5. Public expenditures have resulted in improvements to North Sharon Avenue, including:
   - Virtually improved the roadway.
   - The median, in addition to providing safety, has
6. In addition, the property's relationships to a major thoroughfare and
   the existence of multi-family housing at the junction of the Property
   and Hamilton Avenue are factors that contribute to its desirability.

Findings may also be made:

Based on the above issues, facts and general findings, the following detailed:

1. Property Priority. No funds have been appropriated as of October 1, 1980
   for the study or improvement of Sharon Avenue between the points
   of Sharon Avenue and its intersection with Sanford Drive. With
   the Study of Sharon Avenue, Sanford Drive and the surrounding
   area, a general planning strategy would be developed for the
   entire area. The plan would be the result of the project's
   implementation. The plan must be a comprehensive plan, the
   plan must consider the regional, district, and local needs,
   and the plan must be developed to meet the goals of the
   project's implementation.

2. Transportation Improvement Program. Sanford Drive and
   the surrounding area are candidates for a Transportation
   Improvement Program (TIP). The TIP is a comprehensive
   planning strategy to address the needs of the area. The
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6. In response to questions raised at public hearing and by the Planning Commission, the petitioner developed a more detailed site plan following the public hearing which more specifically outlined the development plan for the site.

7. The site plan offers control over the development of the property and insures that the property can only be developed in accordance with the plan. This site plan which has been amended to reflect more detail, offers a reasonable plan that is compatible with the existing development setting. It is sensitive to existing homes in the area by providing screening and buffering areas. In addition it provides for a screening/landscaped entrance that should compliment the landscaped median along North Sharon Amity. The overall density (11.8 du's/acre) is quite a bit less than the 17 du's/acre normally permitted in the R-9MF district.

8. With the above considerations, especially the detailed conditional site plan, it is felt that the zoning change request can be justified and is a desirable response to the need to provide housing opportunities for the elderly.
DATE        September 7, 1982

PETITION NO.  82-51

PETITIONER(S)  City of Charlotte - Community Development Department

REQUEST  Change from R-6MF to I-3

LOCATION  A 1.276 acre site at the northwest corner of East 12th Street
           and Alexander Street.

ACTION  The Planning Commission recommends that the petition be approved.

VOTE  Yeas: Boyce, Culbertson, Curry, Evans, Greene, Jernigan, Lawing, McCoy, Smith
       and Trotter.
       Nays:  None

REASONS:

The following issues associated with this request can be identified:

1  Land Use/Zoning Pattern  Would the approval of this request be consistent
   with existing and anticipated land use and zoning patterns in this area?

2  Consistency with Urban Renewal Plan  Would I-3 zoning be consistent with
   the First Ward Urban Renewal Plan?

In arriving at answers to the above questions, the following facts should be
considered:

1  Existing Zoning  The subject property is zoned R-6MF  Contiguous property
   on two sides is likewise zoned R-6MF  Property to the east is zoned 0-6
   Generally land on the northerly side and within close proximity of the
   Brookshire Freeway is zoned for non-residential purposes  The exception to
   this is an area zoned R-6MF somewhat east of the site  To the south of the
   expressway land relating to the First Ward neighborhood is zoned Urban
   Residential

2  Existing Land Use  the petitioned property is presently vacant  Property
   on two sides is also vacant  Brookshire Freeway is to the south and the
   Neighborhood Centers Department facility is on the remaining side  South-
   east is the Piedmont Courts housing project  Some industrial facilities
   are nearby to the north as well as a scattering of single family homes
   Generally the area immediately surrounding the site is vacant
The proposal to rezone this property to I-3 provides for a reasonable
use of the new transit maintenance facility
The property will be used to allow for the construction
of the new transit maintenance facility on the remaining
site
The property is bounded by large areas zoned I-3 and an area zoned O-6 and
The subject property is a relatively small area currently zoned R-6MF

Findings may also be made:

Based on the above issues, facts and general findings, the following detailed

Council on September 8, 1980
The renewal plan was amended by City
First Ward Urban Renewal Plan
The Renewal Plan recommends the subject
property

The following general findings can be arrived at:

September 7, 1982
Perfection NO. 82-51
PETITIONER         City of Charlotte - Community Development Department

PETITION NO. 82-51           HEARING DATE     8/16

ZONING CLASSIFICATION, EXISTING     R-6MF     REQUESTED     I-3

LOCATION       An 1.276 acre site at the northwest corner of East 12th Street
and Alexander Street

Acreage:     1.276

ZONING MAP NO.     1-E

PROPERTY PROPOSED FOR CHANGE

SCALE 1" = 800'
DATE September 20, 1982

PETITION NO. 82-57

PETITIONER(S) John and Catherine Adams

REQUEST Change from R-6MF to I-1

LOCATION A 1.06 acre parcel located to the rear of property at

500 block of West Tremont.

ACTION The Planning Commission deferred action on this request in order to secure additional information.

VOTE

REASONS:
DATE October 20, 1982
PETITION NO. 82-58
PETITIONER(S) Louise H. Bagwell

REQUEST Change from R-6 to O-6

LOCATION A .173 acre parcel fronting 60 feet on the easterly side of
Morningside Drive, approximately 200 feet from the intersection
of Central Avenue and Morningside Drive.

ACTION The Planning Commission deferred action on this request in order
to secure additional information.

VOTE

REASONS:
DATE  September 20, 1982

PETITION NO.  82-59

PETITIONER(S)  Good Shepherd Lutheran Church, Inc.

REQUEST  Change from R-9MF to O-15(CD)

LOCATION  A 2.196 acre site fronting on the northerly side of Albemarle Road, about 565 feet east of the intersection of North Sharon Amity and Albemarle Road.

ACTION  The Planning Commission deferred action in order to allow the petitioner to continue working on this request with neighborhood representatives.

VOTE  

REASONS:  
DATE September 20, 1982

PETITION NO. 82-61

PETITIONER(S) John Crosland Company

REQUEST Change from I-1 to R-12MF

LOCATION A 5.074 acre tract fronting 354 feet on the north side of Covedale Drive, about 250 feet west of the intersection of Old Monroe Road and Covedale Drive.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas Boyce, Culbertson, Curry, Evans, Jernigan, Lawing and Trotter.

Nays None

(Commissioner Smith abstained from voting.)

REASONS:

The following issues associated with this request can be identified:

1. Relationship to Adjoining Properties. Would the approval of this zoning change from industrial to multi-family be compatible with adjoining properties?

2. Overall Objectives. Would this change be compatible with overall planning goals for this area?

In arriving at answers to the above questions, the following facts should be considered:

1. Existing Zoning. The petitioned property is presently zoned I-1 as is contiguous property on three sides of the site. A large area in the general vicinity relating to Old Monroe Road is zoned I-1. On the westerly side of the site property is zoned R-12MF. Generally property thereafter is zoned R-12 single family.

2. Existing Land Use. At the present time the site is undeveloped. Property immediately to the west is developed with the Sardis Cove attached residential community. Therefore, along Covedale Drive and other nearby streets, lots are developed with single family detached homes. Adjacent to the site to the east is a convenience/service facility. Along Monroe Road in the general vicinity are a few small business and the entrance to McAlpine Creek Greenway.
7. In light of the above considerations, this request appears to reflect a very unique type of housing and should be encouraged.

6. Development of the site as proposed will help meet a market demand for this type of housing and should be encouraged.

5. Residential development of this site, rather than industrial, will enhance the appearance and residential environment of Colombo Drive and the surroundings.

4. The size and shape of this parcel and its relationship to developed areas supports a residential development.

3. The request to rezone this land is desirable for several reasons.

2. Adjacent to the site on the western side is the Sardis Cove Attached Rest.

1. The property in question is zoned I-1 and is undeveloped at the present time.

Districts.

2. Numerous regulations do not permit residential development in industrial districts.

1. The following general findings can be arrived at: Based on the above issues, facets and General Findings, the following decisions were made:

1. Comprehensive Plan 1999, the plan map generally indicates residential usage.

2. Transportation Improvement Program (TIP). The Monroe Road Widening Project would improve old Monroe Road to four lanes from Willowage Lake Road to Sardis Road North just east of the petitioner’s property.

3. The estimated cost is $5,929,000 for the complete project including improvements to and from Josephine Road.

4. Paving is scheduled to be completed during FY 2000.

5. The project has a very high priority. Funding is under consideration at this time, and the project is independent of the petitioner’s proposal.

The following general findings can be arrived at.

September 20, 1992
Petition No. 82-61

Page 2
PETITIONER    John Crosland Company

PETITION NO.   82-61            HEARING DATE     9/20/82

ZONING CLASSIFICATION, EXISTING  I-1  REQUESTED  R-12MF

LOCATION    A 5.074 acre site fronting 354 feet on the north side of
            Covedale Drive, approximately 250 feet west of the inter-
            section of Old Monroe Road and Covedale Drive.

ZONING MAP NO.   54

PROPERTY PROPOSED FOR CHANGE

SCALE 1" = 800'
DATE September 20, 1982

PETITION NO. 82-62

PETITIONER(S) Mecklenburg Baptist Associational Board, Inc.

REQUEST Change from R-PUD to R-15

LOCATION A 3.2 acre tract on the westerly side of Providence Road, about 300 feet south of the intersection of Cedar Croft Drive and Providence Road.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, Smith and Trotter.

Nays: None

REASONS:

The following issues associated with this request can be identified

1. Overall Objectives. Would the approval of this request be inconsistent with overall land use and zoning objectives for this area?

2. Relationship to Candlewyck PUD. Would any adverse design/land use relationships with regard to the Candlewyck PUD result if this petition were approved?

In arriving at answers to the above questions, the following facts should be considered:

1. Existing Zoning. The subject property is zoned R-PUD and is a part of the Candlewyck planned unit development. With the exception of the PUD zoning all other land in the immediate vicinity of the site is zoned R-15.

2. Existing Land Use. At the present time the petitioned property is vacant. The site is a small portion of the Candlewyck PUD, which is developed with single family detached homes. Also, at the intersection of Candlewyck Lane and Providence Road is the Candlewyck Baptist Church. Land on the easterly side of Providence Road is largely vacant or in farm use.

3. Candlewyck PUD The property under consideration is currently approved for church purposes under the existing land use plan approved for the Candlewyck PUD. Previously this area had been approved for single family purposes.
The following General Findings can be arrived at


2. Transportation Improvement Program (TIP). The project is estimated to cost $3,600,000 and has a very high priority. Funding is underway at this time.

3. The area of the petitioner's property with 0-6 dwelling units per acre.

4. The proposal to rezone this property as the same as existing plans for this site and thus, it is felt that the request is a reasonable one. The existing and adjacent land use pattern for this area is single family homes.

5. In light of plans and policies for this area the request to rezone this land is justifiable.

1. The subject property is presently zoned R-15 and is zoned for single family residential purposes.

2. If approved the petitioner's property will be removed from the Canalswych PUD and approved for church purposes.

3. The predominant zone classification in the area of the petitioner's property is R-15.

Based on the above issues, facts and general findings, the following determinations may also be made:

1. The following General Findings can be arrived at
PETITIONER  Mecklenburg Baptist Associational Board, Inc.

PETITION NO.  82-62  HEARING DATE  9/20/82

ZONING CLASSIFICATION, EXISTING  R-PUD  REQUESTED  R-15

LOCATION  A 3.2 acre site fronting 584.03 feet on the west side of
Providence Road, approximately 300 feet south of the
intersection of Cedar Croft Drive and Providence Road.

ZONING MAP NO.  29  SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE
DATE September 20, 1982

PETITION NO. 82-63

PETITIONER(S) Philip Thomas

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

LOCATION A .270 acre site fronting about 78 feet on Dilworth Road East, approximately 167 feet south of East Boulevard.

ACTION The Planning Commission recommends that the petition be approved.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, Smith and Trotter.
Nays: None

REASONS:

The following issues associated with this request can be identified:

1. Neighborhood/Overall Objectives. Is the proposal compatible with overall neighborhood planning objectives?

2. Dilworth Plan. How does this request relate to plans and policies contained in the Dilworth Small Area Plan.

3. Site Plan. Does the site plan presented with this request offer a reasonable plan for development that is compatible with existing character of the neighborhood?

4. Infill. Is the proposal to construct a 2-unit residence on this vacant lot generally consistent with concepts associated with infill development?

In arriving at answers to the above questions, the following facts should be considered.

1. Existing Zoning. The site is presently zoned R-6 as is property on three sides of the lot. The remaining side is zoned 0-6. This 0-6 classification relates to property which fronts on East Boulevard. Nearby on East Boulevard are lots zoned for commercial purposes, while nearby residential areas are zoned for both single family and multi-family purposes.
The Petitioner proposes a conditional plan to construct a two-family dwelling. In recognition of the small single-family character, the Board would consider the following:

1. The subject property is a vacant lot zoned R-6 and is in an area developed with single-family homes.

2. The Board would consider any existing uses that would disrupt the single-family character.

3. The Board would consider any existing uses that would disrupt the single-family character.

4. The Board would consider any existing uses that would disrupt the single-family character.

5. This request is a good example of infill housing and should be encouraged.

The Board has worked with the Alworth Neighborhood and has been provided with the group such that the neighborhood organization is satisfied that the petition is compatible with the neighborhood. Similarly, the Petitioner proposes a residential district aware of the conditional rezoning (not a part of the conditional rezoning) above. The Petitioner has coordinated a three-family zone with a single-family zone and land use pattern.

The Petitioner proposes a conditional plan to construct a two-family dwelling. In recognition of the small single-family character, the Board would consider the following:

1. The subject property is a vacant lot zoned R-6 and is in an area developed with single-family homes.

2. The Board would consider any existing uses that would disrupt the single-family character.

3. The Board would consider any existing uses that would disrupt the single-family character.

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The Board has worked with the Alworth Neighborhood and has been provided with the group such that the neighborhood organization is satisfied that the petition is compatible with the neighborhood. Similarly, the Petitioner proposes a residential district aware of the conditional rezoning (not a part of the conditional rezoning) above. The Petitioner has coordinated a three-family zone with a single-family zone and land use pattern.
PETITIONER  Philip Thomas

PETITION NO.  82-63       HEARING DATE   9/20/82

ZONING CLASSIFICATION, EXISTING  R-6  REQUESTED  R-9MF(CD)

LOCATION  A .270 acre site fronting 78.31 feet on Dilworth Road East,

approximately 167 feet south from East Boulevard.

ZONING MAP NO.  9       SCALE 1" =  800'

PROPERTY PROPOSED FOR CHANGE
DATE September 20, 1982

PETITION NO. 82-64

PETITIONER(S) Great Southeast Corporation

REQUEST Change from UR-2 to UR-C

LOCATION A .809 acre site fronting about 196 feet on North Graham Street
at West Eighth Street.

ACTION The Planning Commission deferred action on this request in order
to pursue a conditional plan of development for the site.

VOTE

REASONS:
DATE    September 13, 1982
PETITION NO   SUP 82-2
PETITIONER(S) Lambda Chi Alpha Fraternity
REQUEST   Special Use Permit to accommodate a fraternity use
          in an R-9 district
LOCATION  3-acre lot fronting 300 feet on westerly margin of
          Sugar Creek Road about 345 feet north of Cushman Street
ACTION    The Planning Commission Recommends that the Special Use
          Permit be approved
VOTE      Yeas Boyce, Culbertson, Greene, Jernigan and Trotter.
          Nays None
          (Commissioners Curry, Evans, Lawing and Smith abstained from voting.)
REASONS   (Commissioner McCoy was not present when vote was taken.)
FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR SCHEMATIC PLANS
          The schematic plan and other material submitted with the petition at the time
          of filing fully comply with each of the requirements of Section 23-36(b), (1)-(7)
          and of Section 23-36 7(a), (1), (3) and (6) (Young, page 8)
FINDINGS REGARDING PRESCRIBED STANDARDS
          The following findings were made from the record evidence presented at
          the hearing with respect to the four standards prescribed by Section 23-36 7(c),
          the basic facts relied on in support of each being set forth below
          Finding (Standard) No 1

          That the proposed use will not endanger public health and safety or
          substantially reduce the value of adjoining and nearby properties
The proposed use is to house a maximum of 15 resident members of the Lambda Chi Alpha Fraternity in the existing 3-bedroom, 2-bathroom, single-family residence. The existing structure is located in a residential zone (R-1). No new structures or significant modifications are proposed to be built.

Existing zoning patterns and land use in the area generally support single-family residential development. The proposed use is compatible with the general character of the area and would not adversely affect property values.

Facts Supporting Finding No. 1

1. The property is located in a residential zone (R-1) with single-family residential use as the primary land use. No significant changes to the existing structure are proposed.

2. The proposed use is compatible with the general character of the area and would not adversely affect property values.

3. The property is located in a residential zone (R-1) with single-family residential use as the primary land use. No significant changes to the existing structure are proposed.

Finding (Standard) No. 2

The proposed use will be compatible with the general characteristics of the area with respect to the location, size, and exterior features of the structure, the location, design, and screening of the parking areas.
**Facts Supporting No. 2**

1. There will be no other structures on the lot or any changes in or expansion of the existing residence, which will look no different than previously (Demmitt pp 29, 30, 35, Pet Ex 3). Fraternity use of both the house and its ground will not be significantly different than what would normally be associated with conventional residential uses of property (Abernethy p 44). The 2-story white house is indistinguishable with respect to its location, size and exterior features from a single-family residence which is what it was originally designed and used for (Abernethy pp 44, 45).

2. The Site Plan (Staff Ex 3) provides for a maximum of 15 cars (plus temporary overflow parking) in a defined parking area located at the swesterly rear portion of the property (Young p 7, Demmitt p 30). As shown on the Site Plan, new screening will be provided to shield the parking area from adjoining properties (Staff Ex 3, Young p 8). In addition, existing fences, on-site greenery and large trees will further screen the parking area from adjoining and nearby properties (Demmitt p 32).

3. The proposal provides for only one 3-letter Greek identification sign at the front of the residence (Staff Ex 3, Demmitt p 34), which the Petitioner has agreed shall not be in excess of 10-square feet (Staff Ex 3, as amended, Young p 17, Demmitt p 34). The sign will have no illumination and will be unobtrusive (Demmitt p 35). There are a great variety of existing signs in the immediate vicinity for the church, businesses, etc (Young p 17). The proposed 3-letter Greek identification sign will be compatible with the area (Young p 17).

**Finding (Standard) No. 3**

That the proposed area will not substantially increase the volume of vehicular traffic within the area.

**Facts Supporting Finding No. 3**

1. The subject property fronts on the westerly side of Sugar Creek Road which is a 5-lane major thoroughfare that carries a high volume of traffic (Young p 11). Typically, the student residents of the house have only a total of 7-8 cars in the rear parking area at any one time (Abernethy p 44, Teagarden p 49). Because of staggered class schedules of the students, normally their cars depart for UNC-C before peak traffic hours of the morning and return mid-afternoon before the peak traffic hours in the afternoon (Abernethy p 44, Teagarden p 49). The cars of the prescribed maximum of 15 students residents will not generate a sufficient amount of traffic to impact or adversely affect the existing traffic volume on Sugar Creek Road (Young p 11).
orderly, considerate and good neighbors, that he had found nothing

The closest resident stated that the electricity boys had been frequently

"(spoke of) the property's trees, fences, and screening will serve not

to be the same as it has been for the past year (with the program)"

"The property has been well maintained"

"The site plan provides for the retention and use of only one stream-

1. The site plan provides for the retention and use of only one stream-

Facts Supporting Finding No. 4

That the proposed use will be compatible with the general living environ-

Finding (Standard) No. 4

The site plan shows the subject property to have a sugar creek road

provided by the plan (except for)"
objectionable about their gatherings and meetings with respect to noise or anything else and that the continued use of the 3-acre house and lot by the fraternity will be compatible with the general living environment of the area (Abernethy p 45)

Based on the above findings, it is recommended that the request for a Special Use Permit be approved for use of the subject property for fraternity purposes as shown on the Site Plan, as amended
PETITIONER: Lambda Chi Alpha Fraternity  

LOCATION: A 3.11 acre tract of land fronting 304.67 feet on the easterly side of Sugar Creek Road and approximately 345 feet north of the intersection of Sugar Creek Road and Cushman Avenue.