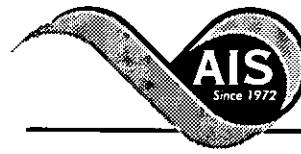




* 0 0 B R E A K 0 0 *



**ADVANCED
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City of Charlotte – Planning Dept. Scanning Rezoning Files

Petition # 86-017 (c)

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- Land Use Consistency
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 - Mapping
 - Other
- Site Plans



* 0 0 B R E A K 0 0 *

OFFICIAL REZONING APPLICATION MECKLENBURG COUNTY

Petition No.	<u>86-17(c)</u>
Date Filed	<u>1-28-86</u>
Received By	<u>CL</u>
OFFICE USE ONLY	

Ownership Information

Property Owner Winfield Co. Inc.
Owner's Address 9009 N. Tryon St. Charlotte, N.C. 28213
Date Property Acquired 1 June, 1983
Deed Reference 4673 0927 Tax Parcel Number 047 211 01

Location Of Property (address or description) Post office address
9009 N. Tryon St. - County map address 8431 U S Hwy 29

Description Of Property

Size (Sq. Ft.-Acres) 1.29 Acres Street Frontage (ft.) 145'
Current Land Use I-2 non-conforming

Zoning Request

Existing Zoning RE-1 Requested Zoning B-2

Purpose of zoning change To change from a nonconforming I-2 usage presently allowed to a more restrictive B-2. Petitioner proposes doing this by construction of additional storage area, relieving the need for outdoor storage.

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

Winfield Co. Inc. by Calvin
Name of Petitioner(s) Winfield
9009 N. Tryon St.
Address of Petitioner(s) _____
547-1111
Telephone Number _____
Calvin
Signature _____

Signature of Property Owner if Other Than Petitioner _____

CONVENTIONAL REZONING APPLICATION FILING REQUIREMENTS:

1. two signed official applications;
 2. two survey maps delineating the property in question;
 3. a list of all adjacent property owners, with their current mailing addresses coded to the survey map or tax map (this information is available at the Mecklenburg County Tax Office, 720 East Fourth Street);
 4. a filing fee of one hundred dollars (\$100.00) to help defray administrative expenses (checks payable to the Charlotte-Mecklenburg Planning Commission); and
 5. a written boundary description showing distances and bearings of property lines (a metes and bounds description).
-

CONDITIONAL DISTRICT REZONING APPLICATION FILING REQUIREMENTS:

1. two signed application forms;
 2. a filing fee of one hundred dollars (\$100.00) to help defray administrative expenses (checks payable to the Charlotte-Mecklenburg Planning Commission);
 3. ten (10) copies of a schematic site plan, drawn to scale and at a minimum size of 24" x 36," which includes the following items (ten copies are needed for interdepartmental review):
 - (a) a boundary survey showing the total acreage, present zoning classification(s), date, and north arrow;
 - (b) adjoining property lines and names, addresses, and tax parcel numbers of current adjoining property owners (this information is available at the Mecklenburg County Tax Office, 720 East Fourth Street);
 - (c) all existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested (show setback, side and rear yard requirements for proposed zoning district);
 - (d) proposed use of land and structures: for residential uses this shall include the number of units and an outline of the area within which the structures will be located; for non-residential uses, this shall include approximate square footage of structures and an outline of the area within which the structures will be located;
 - (e) traffic, parking, and circulation plan, showing proposed locations and arrangement of parking spaces and entrance and exit to adjacent streets (show existing and proposed parking, what is required, and what is to be provided);
 - (f) proposed screening, including walls, fences, or planting areas, as well as treatment of any existing natural features, or a statement specifying that buffering and/or screening will conform to City/County Zoning Ordinance requirements;
 - (g) the proposed number of signs and their locations, or a statement specifying that all signs will conform to City/County Zoning Ordinance requirements;
 - (h) generalized information as to the number, height, size, or in especially critical situations, the location of structures;
 - (i) proposed phasing, if any, and approximate completion time of the project;
 - (j) delineation of areas within the regulatory floodplain as shown on the official Charlotte flood areas map;
 - (k) topography at four foot contour intervals or less (existing and proposed);
 - (l) schematic site plan must be titled with project name and proposed use;
 - (m) size of schematic site plan not to exceed 42" in width;
 4. a list of all adjacent property owners with current addresses coded to the schematic site plan; and
 5. a written boundary description showing distances and bearings of property lines (a metes and bounds description).
-



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 2, 1986

Chairperson Carla DuPuy
Members, Board of Commissioners
Mecklenburg County
Charlotte, North Carolina

Dear Commission Members:

Attached are recommendations of the Charlotte-Mecklenburg Planning Commission on rezoning requests which were previously heard at public hearing and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission held on April 24, 1986.

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 May 12, 1986. This will then permit these matters to be placed on your agenda for consideration of decision on May 19, 1986.

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

Respectfully submitted,

Robert G. Young
Land Development Manager

RGY:oj

Attachments



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 2, 1986

Dear Interested Party:

There is attached a recommendation on a rezoning petition as arrived at by the Planning Commission. This is the one about which you have expressed an interest.

According to procedures announced by the County Commission, you may file a statement of rebuttal or in support of this recommendation. Such statement must be filed at the Planning Commission Office, 301 South McDowell Street, not later than Noon on Monday, the 12th day of May, 1986. Twenty (20) copies are required and will be distributed to the County Commission and the Planning Commission. Copies will be on file in the Planning Commission Office and the Commissioners' Room for anyone to examine.

Decision will be scheduled for May 19, 1986, at 9:00 o'clock A.M. in the Education Center, Fourth Floor, 701 East Second Street.

Respectfully submitted,

Robert G. Young
Land Development Manager

RGY:oj

Attachment

DATE: April 24, 1986

PETITION NO.: 86-17(c)

PETITIONER(S): Winfield Company, Inc.

REQUEST: Change from RE-1 to B-2(CD).

LOCATION: A 1.29 acre site located at 9009 North Tryon Street.

ACTION: The Planning Commission recommends that the petition be approved.

VOTE: Yeas: Clodfelter, Curry, Emory, Griffin, Lawing, Lowery, M. Smith, S. Smith and Wheeler.

Nays: Lewis.

REASONS:

ISSUES:

1. U.S. 29 Objectives. How does the rezoning request fit into overall zoning and land use objectives for U.S. 29?
2. Non-conforming Status. Since the property involved in this petition is currently non-conforming, what bearing does that have on the potential approval of this request?
3. Conditional Approach. How has a conditional rezoning here made this request worthy of consideration given the two issues just outlined above?

BACKGROUND:

1. Existing Zoning. The property involved in this petition is currently zoned RE-1. Property immediately adjoining the site to the north is O-9(CD) and then north of that is an area of O-9 zoning to the intersection of Harris Boulevard. Other research zoning is located in the vicinity whereas institutional zoning is located across U.S. 29 from the site. The institutional district also extends along portions of Harris Boulevard to the south of U.S. 29. A large B-1SCD classification is located at the northwesterly corner of Harris Boulevard and U.S. 29.
2. Existing Land Use. The rezoning site has a business use on it at the present time. Property which surrounds it is vacant. There are a couple of single family structures just to the north near Harris Boulevard. Across from the site is a Southern Bell facility and the North Tryon location the Department of Motor Vehicles. University Place is currently under development at the Harris Boulevard and U.S. 29 intersection and

seen
recomm
only

across from it on U.S. 29 is the new University Memorial Hospital and associated medical office space.

3. Site Plan. The conditional site plan, submitted at public hearing, provides for the removal of outdoor storage and old storage units in the rear of the site in lieu of an addition to the present building. Landscaping/screening around the site will be provided, including street trees along U.S. 29.

GENERAL FINDINGS

1. 2005 Plan. The 2005 Plan indicates that the area is specifically identified for areas of existing employment. The University Place is a major mixed use center which is located nearby. Strategies for this area over the next 20 years would provide the extension of services to support increasing development and improvements to W. T. Harris Boulevard.
2. UNCC District Plan. The plan indicates that the site is in an existing research area. The plan also recognizes the need for special urban design considerations where industrial uses pose a negative threat to the aesthetic image of the area.
3. Harris Boulevard Improvements. This TIP project would begin in the late 1980's to widen Harris Boulevard to four lanes from I-85 to U.S. 29. Current cost estimates for this project would be approximately 3.5 million dollars.
4. Pre-Hearing Staff Input. Staff assisted the petitioner in the preparation of the application. There has been some discussion about the possibility of a conditional approach for this petition.
5. Neighborhood Context. The site is located within the University City neighborhood.
6. Pre-Hearing Departmental Comments (Summary)
 1. County Engineering. Comments were unavailable as of the preparation of this material.
 2. C-MUD. Water and sewer are available to service the site.
 3. Fire Marshall's Office. No comment from the Fire Marshall on this petition.

DETAILED FINDINGS:

1. This petition involves a 1.2 acre tract of land which fronts on U.S. 29. The site is just south of the Harris Boulevard intersection and is presently zoned RE-1, which is a research classification. The petitioner is seeking B-2(CD) zoning for the property.

2. The site is the location of the petitioner's current business, which supplies parts for mobile homes and recreational vehicles. The site is presently non-conforming.
3. The petitioner states on his application that the purpose of the zoning change would allow the construction of additional storage buildings in the rear of the property so as to enclose current outdoor storage. The site plan (see Background #3 for further details) provides additional detail and conditions.
4. The property's location along Highway 29 near Harris Boulevard makes it critical that any zoning change be carefully considered. Not long ago, three similar lots in size to the one in this case were combined under an O-9(CD) district. In that case it was found that by controlling the uses and providing for a streetscape appearance and restriction on driveways that the removal of RE-1 in place of the O-9(CD) in that case was acceptable. Similarly in this case there is concern about the potential zoning change, but that concern has been mitigated by the CD approach and plan details.
5. The plan provides for the retention of this use, but enhances the overall appearance of the property by removing unsightly buildings and outdoor storage in the rear. New building construction will allow for more indoor storage. Also, landscaping and screening will further enhance the site's appearance. The treatment along U.S. 29 is consistent with an adjoining CD plan by limiting driveways and providing for a more pleasant streetscape appearance.
6. The petitioner worked closely with staff and also secured input and approval from representatives of the University Research Park.
7. The approval will allow the business use the opportunity to expand while complimenting overall U.S. 29 and area planning objectives. Without the approval the use will stay anyway, but no improvements can be secured. Considering this and the overall CD plan, which has been judged as a good one, Planning Commission saw fit to recommend the rezoning.
8. Based upon the above, Planning Commission does recommend the approval of the request.

Minority Opinion

The minority opinion expressed the viewpoint that it was important for this project to be completed in a timely fashion and that some condition should be placed on the plan to that effect.

Staff Opinion

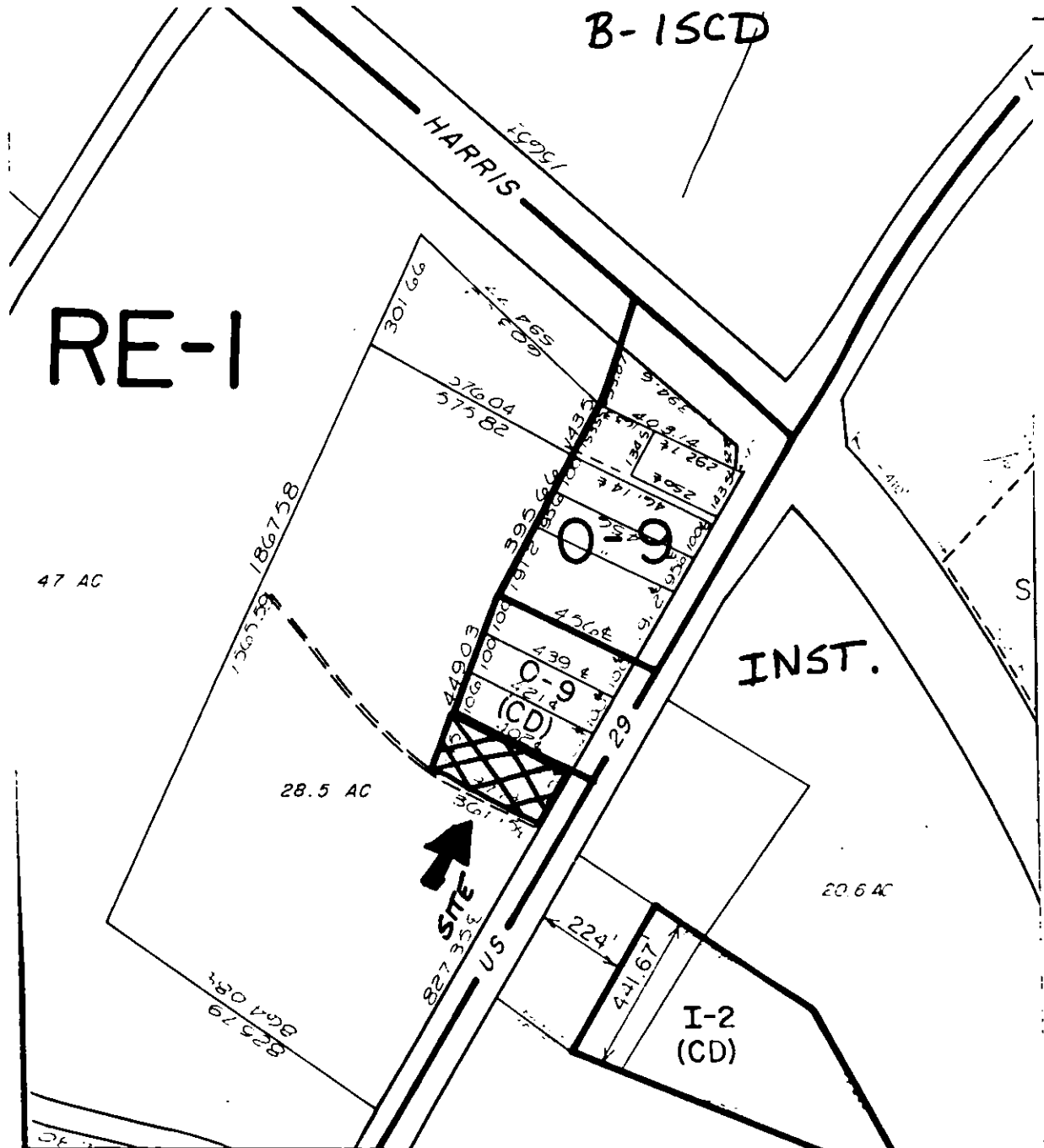
The staff agreed with Planning Commission.

PETITIONER Winfield Co., Inc.

PETITION NO. 86-17(c) HEARING DATE 03/10/86

ZONING CLASSIFICATION, EXISTING RE-1 REQUESTED B-2 (CD)

LOCATION A 1.29 acre site located at 9009 North Tryon Street



ZONING MAP NO. 58 SCALE 1" = 400'



Charlotte-Mecklenburg Planning Commission
301 South McDowell Street Charlotte, N.C. 28204

86-17(c)
Mr. Calvin Winfield
Winfield Co., Inc.
9009 North Tryon Street
Charlotte, N.C. 28213

86-17(c)

Mr. George Bujake
IBM
1001 W.T. Harris Blvd.
Charlotte, N. C. 28257

Ms. Lynda Bean
University City HOA
8834 Norcroft Drive
Charlotte, N. C. 28213

Ms. Doris Dixon
Mallard Creek
10017 Mallard Creek Rd.
Charlotte, NC 28213

Mr. Seddon Goode
University Research Park
2400 First Union Plaza
Charlotte, NC 28282

Charlotte-Mecklenburg Planning Commission
301 South McDowell Street Charlotte, N.C. 28204

Ms. Edna Chubb
Newport - Sweetwater Homeowners
5300 Ballantyne Pl.
Charlotte, NC 28213

ZONING REGULATIONS

MAP AMENDMENT NO. 462

A RESOLUTION AMENDING THE MECKLENBURG COUNTY ZONING REGULATIONS

WHEREAS, a petition was presented to the Board of Commissioners of Mecklenburg County requesting the rezoning of a 1.29 acre site located at 9009 North Tryon Street from RE-1 to B-2(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2; and

WHEREAS, the Board of County Commissioners has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on March 10, 1986; and

WHEREAS, in the passage of this ordinance the Board of Commissioners of Mecklenburg County has considered the following items as required by Section 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA:

Section 1. The Mecklenburg County Zoning Regulations as embodied in the Zoning Ordinance are hereby amended by changing from RE-1 to B-2(CD) with Site Plan Amendment on the Official Zoning Map, Mecklenburg County, North Carolina the following described property:

BEGINNING at an iron stake in the Old Road (now Highway No. 29-A), a corner of the land of W. F. Dierstein, and runs thence along the east edge of said highway S.29-15W. 145 feet to an iron stake; thence two lines: (1) N.64-30W. 377 feet to an iron stake; (2) N.18-45E. 145 feet to an iron stake, also a corner of W. F. Dierstein's lot; thence with his line S.64-30E. 402 feet to the point or place of BEGINNING.

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

APPROVED AS TO FORM:

County Attorney

Approved and adopted by the Board of County Commissioners of Mecklenburg
County, North Carolina, in meeting on the _____ day of _____,
19_____.

Clerk, Board of County Commissioners

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Mecklenburg County Commission to
Winfield Co., Inc.

owner(s) and successors-in-interest of the property described as tax parcel 047-211-01

and described in detail further in the ordinance, identified below, approved by the Board of Commissioners.

In approving this parallel conditional use permit, the Mecklenburg County Commission amended section 3200 of the Mecklenburg County Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of B-2(CD)

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and sections 3200, 3201, 3202, 3203, 3204, and 1300 of the Mecklenburg County Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the Board of Commissioners under section 1300 of the Mecklenburg County Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the Board of Commissioners which may recommend that action be initiated to remove the parallel conditional use district in accordance with section 1300.