

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 94-4
Date Filed: November 1, 1993
Received By: [Signature]
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: JULIUS DIXON
Owner's Address: 1400 ORVIS STREET
Date Property Acquired: 9/25/72
Tax Parcel Number(s): 115-032-41 + 115-032-40

LOCATION OF PROPERTY (Address or Description): Southeast corner of Capitol Drive and Morris Field Drive
Size (Sq.Ft. or Acres): 2.0 Street Frontage (Ft.): 780±
Current Land Use: Vacant

ZONING REQUEST:

Existing Zoning: R-5 + R-8 Proposed Zoning: R-22MF
Purpose of Zoning Change: TO OPERATE A DAY CARE CENTER.

JULIUS DIXON
Name of Agent
1400 ORVIS STREET
Agent's Address 28216
375-4654
Telephone Number

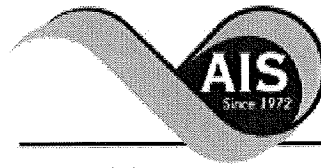
Signature of Property Owner
if other than Petitioner

CITY OF CHARLOTTE
Name of Petitioner(s)
600 E. 4th Street
Address of Petitioner(s)
336-2205
Telephone Number

Signature



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Petition # _____

Document type:

- Applications
- Correspondence
- Department Comments
- Land Use Consistency
 - Mail Info
 - Mapping
 - Other
- Site Plans



* 0 0 B R E A K 0 0 *

ZONING COMMITTEE RECOMMENDATION

DATE: January 24, 1994

PETITION NO.: 94-4

PETITIONER(S): City of Charlotte

REQUEST: Change from R-5 and R-8 to R-22MF.

LOCATION: Approximately 2.0 acres located on the southeast corner of Capitol Drive and Morris Field Drive.

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

VOTE: *Yeas:* Adams, Baucom, Byrne, Heard, Jones, McMurray, and Motley.
Nays: None.

REASONS

This petition proposes a rezoning from a mixture of single family residential categories to a conventional multi-family category. Publicly adopted plans for the area recommend single family residential zoning for the petitioned property. The subject property was included in a recently approved rezoning petition as part of the implementation of the Central District Plan. This request would return the property to the previous zoning classification. The Zoning Committee discussed the fact that the petitioner which is the City of Charlotte has indicated on the rezoning application a desire to use the property for a child care center. Their concerns include the petitioner's request for such an intensive multi-family zoning classification for a child care facility. Committee members also expressed a desire to have the petitioner submit a conditional plan that would limit the uses allowed on the site. The property owner was not present at the Zoning Committee meeting. Therefore, the Zoning Committee deferred action on this petition for 30 days to allow discussion to take place with the property owner regarding their concerns.



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

January 28, 1994

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on January 24, 1994.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, February 14, 1994. This will then permit these matters to be placed on your agenda for consideration on Monday, February 21, 1994.

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

Respectfully submitted,

Jack P. Byrne (JPM)

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

JPB:mm

Attachments

Petition No. 94-3
Robert Young
301 S. McDowell Street, Ste. 404
Charlotte, NC 28204

Petition No. 94-4
Roslyn E. Dixon
416 West Boulevard
Charlotte, NC 28203

Petition No. 94-4
Ella Reid Evans
2732 Capitol Drive
Charlotte, NC 28208

Petition No. 93-110
Betty Cecil
6315 E. W. T. Harris Blvd.
Charlotte, NC 28215

Petition No. 93-110
201 Shenandoah Place
Charlotte, NC 28215

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 94-4

Petitioner: City of Charlotte

Location: Approximately 2.0 acres located on the east side of Morris Field Drive north of Capital Drive.

Request: R-5 and R-8 to R-22MF.

BACKGROUND

1. Existing Zoning.
2. Existing Land Use.
3. Public Plans and Policies.

1. **2005 Plan.** The 2005 Plan indicates existing residential land uses in the area of the subject property and existing employment land uses in the area. The Charlotte Douglas International Airport is indicated nearby. 2005 Strategies include widening Billy Graham Parkway.

Central District Plan (adopted 1992). The Central District Plan recommends mixed use residential development for the subject property. A mixture of office and industrial land uses is recommended for property on the westerly side of Morris Field Drive. The plan reacknowledges that residential areas north of West Boulevard between Morris Field Drive and Clanton Road are in need of help. The area needs infrastructure improvements. In 1989, City Council selected Capitol Drive area as one of its top priorities for receiving funds from the Neighborhood Reinvestment Program. The plan recommends rezoning property in the Capitol Drive area from R-22MF to R-8.) The Community Development Department should consider purchasing homes from the airport 's neighborhood buyout and relocating them to vacant land in the Capitol Drive area.

Completed by
Transportation Improvement Program. The Transportation Improvement Program includes the Billy Graham Parkway/West Boulevard Intersection Improvement.

4. **Site Plan.** The site plan which accompanies this
5. **School Information.** This information was requested but had not been received at the time that this report was prepared.

94-4 HISTORY

76-7	R-9MF to B-2	APPROVED	7/26/76
78-5	R-6MF to I-2	APPROVED	9/10/79
83-38	R-6MF to I-2 (CD)	APPROVED	11/21/83
86-70	R-6MF to I-1 (CD)	APPROVED	9/15/86
83-38	R-6MF & I-2 (CD) to I-2	APPROVED	12/19/88
93-90	R-22MF to R-5 and R-8	Approved	11/8/93

6. Zoning History (See Attached Map).

<u>Petition No.</u>	<u>Request</u>	<u>Action</u>	<u>Date</u>
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1. SEE ATTACHED.

7. **Neighborhood.** This petition falls within the area defined as West Boulevard.

REVIEWS

1. Plan Consistency.

2. Technical Consistency.

1.
Pre-Hearing Staff Input.

2.
Departmental Comments.

ISSUES

1. Land Use.

2. Site Plan.

ZONING COMMITTEE RECOMMENDATION

DATE: May 23, 1994

PETITION NO.: 94-4

PETITIONER(S): City of Charlotte

REQUEST: Change from R-5 and R-8 to R-22MF(CD).

LOCATION: Approximately 2.0 acres located on the southeast corner of the intersection of Capitol Drive and Morris Field Drive.

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

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

REASONS

This petition proposes a rezoning from a mixture of single family residential categories to a conditional multi-family category. Publicly adopted plans for the area recommend single family residential zoning for the petitioned property. The subject property was included in a recently approved rezoning petition as part of the implementation of the Central District Plan. This request would return the property to the previous zoning classification with a conditional site plan for a child care center. Previously, the Zoning Committee recommended that this petition be denied. At that time, the site plan that was submitted by the property owner did not meet the minimum ordinance requirements. However, City Council requested that the Zoning Committee reconsider this petition with a revised site plan. The property owner has submitted a revised site plan which meets the minimum ordinance requirements and specifies that the subject property is to be used for a child care center only. Therefore, the Zoning Committee recommends that this petition be approved.

MINORITY OPINION

The minority opinion expressed concern about the lack of detail on the conditional site plan.

STAFF OPINION

The staff does not agree with the recommendation of the Zoning Committee. Staff supports the recommendation of the Central District Plan.

Petition #: 94-4

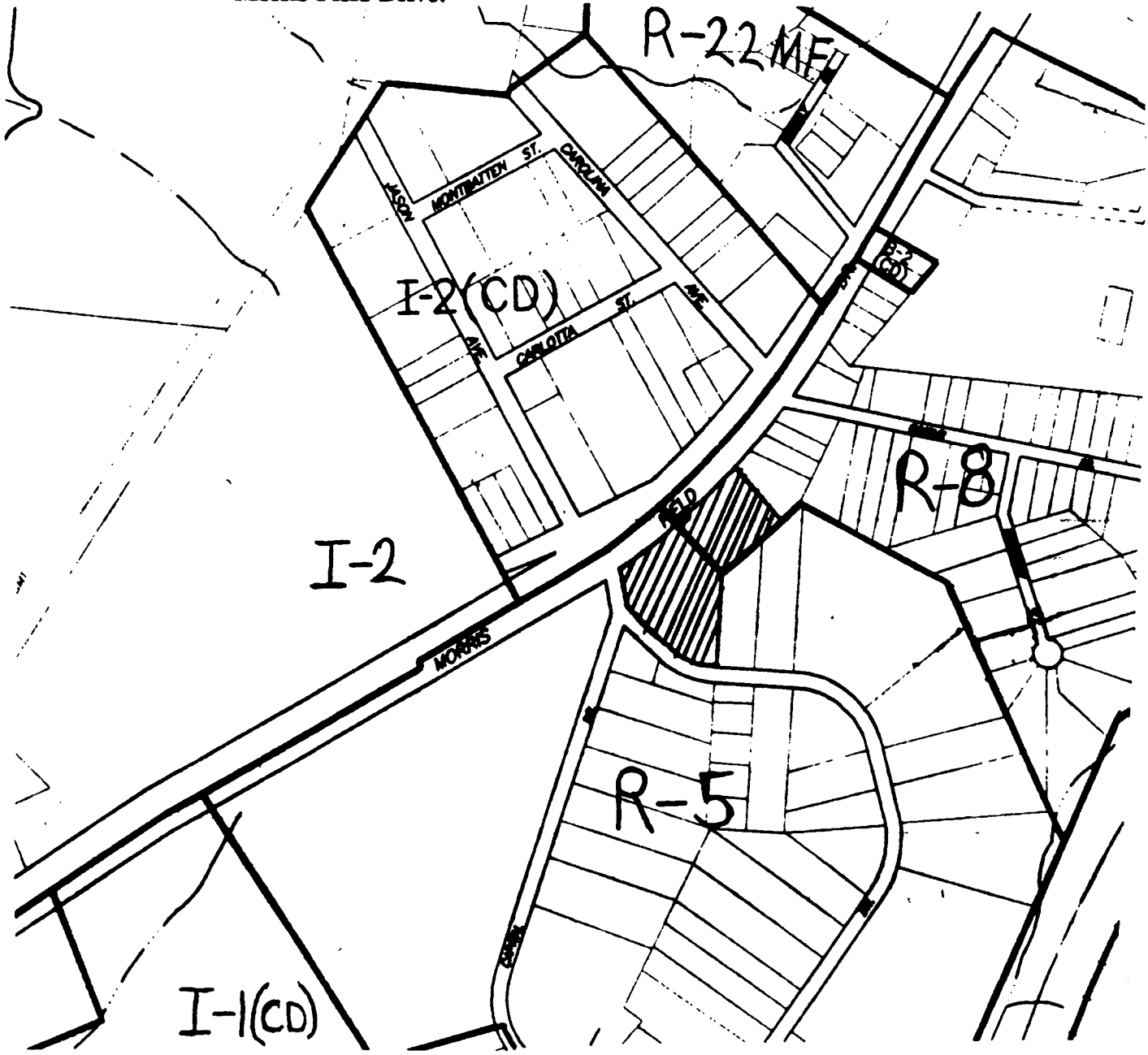
Petitioner: City of Charlotte

Hearing Date: January 18, 1994

Zoning Classification (Existing): R-5 & R-8

Zoning Classification (Requested): R-22MF

Location: Approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive.



Zoning Map #(s): 104

Scale: 1" = 400'



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 3, 1994

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on Monday, May 23, 1994.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, June 13, 1994. This will then permit these matters to be placed on your agenda for consideration on Monday, June 20, 1994.

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

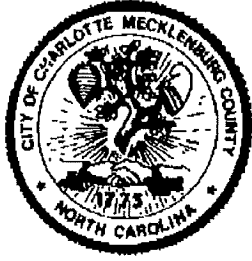
Respectfully submitted,

Jack P. Byrne (mcm)

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

JPB:mcm

Attachments



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 3, 1994

Dear Interested Parties:

Attached for your information is the recommendation on a petition as arrived at by the Zoning Committee of the Planning Commission. This is the one about which you have expressed an interest.

According to procedure announced by City Council, you may file a statement of rebuttal or support of this recommendation. Such statement must be filed at the Planning Commission Office, 600 East Fourth Street, not later than Noon on Monday, June 13, 1994. Twenty-eight (28) copies are required and will be distributed to the City Council and the Planning Commission. Copies will be on file in the Planning Commission Office and in City Hall for anyone to examine.

Decision will be scheduled for Monday, June 20, 1994 at 6:00 o'clock P.M. in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

Respectfully submitted,

Walter G. Fields, III
Land Development Manager

WGF:mcm

Attachment

ZONING COMMITTEE RECOMMENDATION

DATE: March 28, 1994

PETITION NO.: 94-4

PETITIONER(S): City of Charlotte

REQUEST: Change from R-5 and R-8 to R-22MF.

LOCATION: Approximately 2.0 acres located on the southeast corner of Capitol Drive and Morris Field Drive.

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

VOTE: *Yeas:* Adams, Byrne, Heard, Jones, and McMurray.

Nays: None.

Absent: Baucom and Motley.

REASONS

This petition proposes a rezoning from a mixture of single family residential categories to a multi-family category. Publicly adopted plans for the area recommend single family residential zoning for the petitioned property. The subject property was included in a recently approved rezoning petition as part of the implementation of the Central District Plan. This request would return the property to the previous zoning classification. This petition was originally filed as a straight up rezoning petition. However, at the request of the Zoning Committee, the petitioner agreed to submit a conditional. The site plan filed by the property owner did not meet the minimum requirements of the zoning ordinance. Therefore, the petition was deferred once again to give the property owner an opportunity to make the necessary revisions to the site plan. However, the property owner never submitted a revised site plan. Staff attempts to contact the owner or architect were unsuccessful. Therefore, the Zoning Committee recommends that this request be denied.

STAFF OPINION

The staff agrees with the recommendation of the Zoning Committee.

CITY OF CHARLOTTE ZONING APPLICATION
ENTITLED TO YIELD

Petition #: 94-4

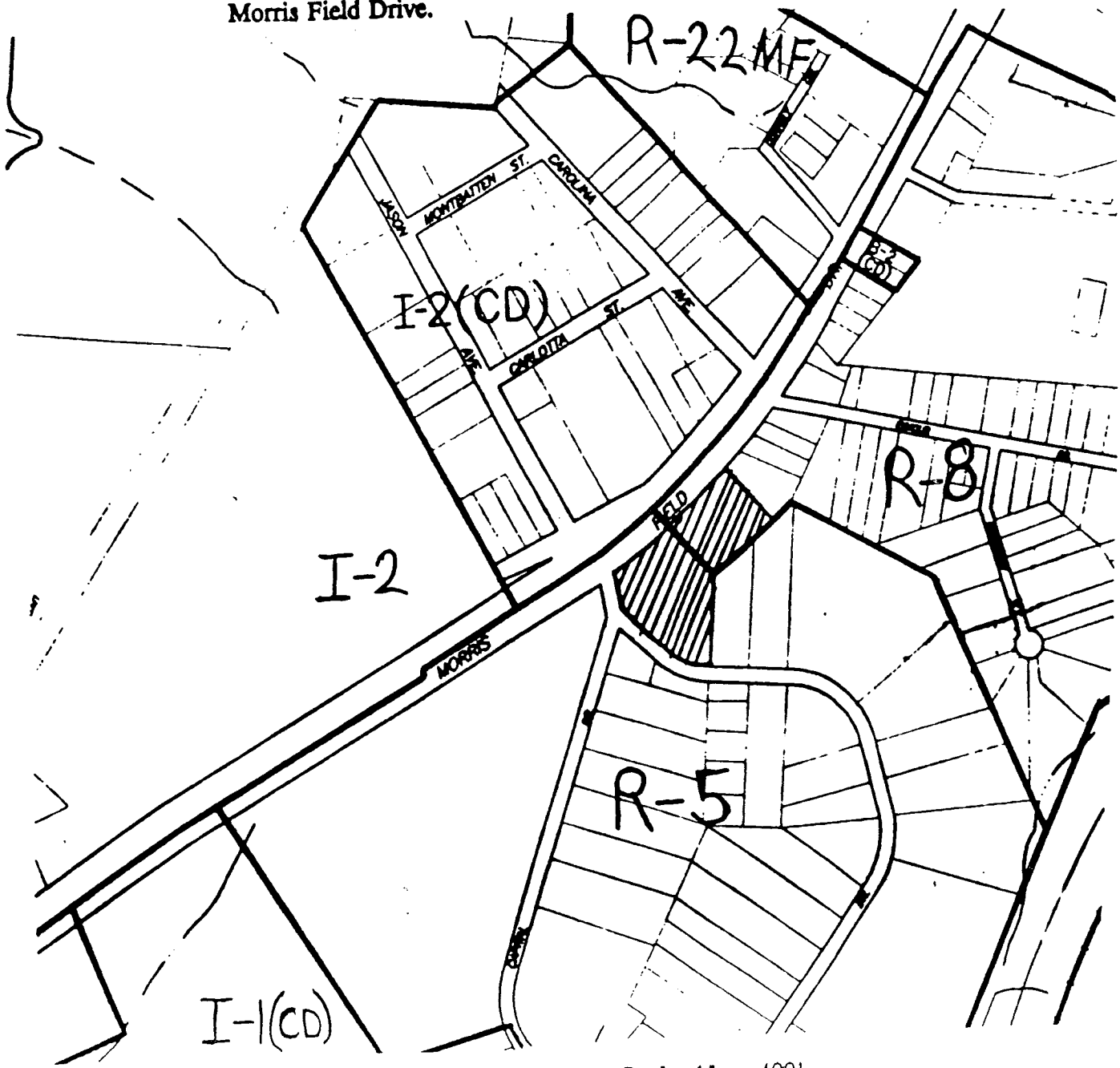
Petitioner: City of Charlotte

Hearing Date: January 18, 1994

Zoning Classification (Existing): R-5 & R-8

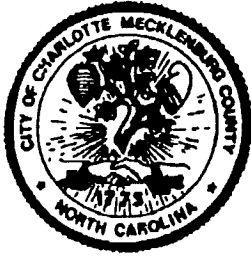
Zoning Classification (Requested): R-22MF

Location: Approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive.



Zoning Map # (s): 104

Scale: 1" = 400'



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 31, 1994

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on March 28, 1994.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, April 11, 1994. This will then permit these matters to be placed on your agenda for consideration on Monday, April 18, 1994.

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

Respectfully submitted,

Jack P. Byrne (mm)

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

JPB:mm

Attachments

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 94-4

- Petitioner:** City of Charlotte
- Location:** Approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive.
- Request:** Change from R-5 and R-8 to R-22MF.

BACKGROUND

1. **Existing Zoning.** This property is zoned a combination of R-5 and R-8. Properties located to the south along the southeasterly side of Morris Field Drive are zoned R-5. Properties located generally to the north along the easterly side of Morris Field Drive are zoned R-8. (The Capitol Drive area including the southerly portion of the petitioned property was rezoned from R-22MF to R-5 as a result of Petition No. 93-90. The Seymour Drive area including the northerly portion of the petitioned property was rezoned from R-22MF to R-8 as a result of the same petition.) Properties located directly across Morris Field Drive are zoned I-2(CD). Properties located further to the north on the west side of Morris Field Drive are zoned R-22MF and properties located further to the south along Morris Field Drive are zoned I-2.
2. **Existing Land Use.** The petitioned property is presently undeveloped. Properties located generally to the south are predominantly developed with single family residential homes. Properties located to the north are devoted predominantly to a combination of single family homes and duplexes. Properties located across Morris Field Drive are developed with industrial and office uses.
3. **Public Plans and Policies.**
 1. **2005 Plan.** The 2005 Plan indicates existing residential land uses in the area of the subject property and existing employment land uses in the nearby area. The Charlotte Douglas International Airport is indicated nearby. The 2005 strategies include the widening of Billy Graham Parkway.
 2. **Central District Plan (adopted 1992).** The Central District Plan recommends mixed residential development for the subject property. A mixture of office and industrial land uses is recommended for property on the westerly side of Morris Field Drive. The plan acknowledges that residential areas north of West Boulevard between Morris Field Drive and Clanton Road are in need of the infrastructure improvements. In 1989, City Council selected the Capitol Drive area as one of its top priorities for receiving funds from the Neighborhood

Reinvestment Program. The plan recommends rezoning property in the Capitol Drive area from multi-family to single family residential which has now been accomplished. The plan notes that the Community Development Department should consider purchasing homes from the airport's neighborhood buyout and relocating them to vacant land in the Capitol Drive area.

3. **Transportation Improvement Program.** The Transportation Improvement Program includes the Billy Graham Parkway/West Boulevard intersection improvement.
4. **Site Plan.** There is no site plan which accompanies this petition. This petition has been submitted in a conventional manner and any use allowed under multi-family residential zoning could be developed should this petition be approved.
5. **School Information.** Not applicable.
6. **Zoning History (See Attached Map).**

<u>Petition No.</u>	<u>Request</u>	<u>Action</u>	<u>Date</u>
1. 76-7	R-9MF to B-2	Approved	07/26/76
2. 78-5	R-6MF to I-2	Approved	09/10/79
3. 83-38	R-6MF to I-2(CD)	Approved	11/21/83
4. 86-70	R-6MF to I-1(CD)	Approved	09/15/86
5. 83-38	R-6MF & I-2(CD) to I-2	Approved	12/19/88
6. 93-90	R-22MF to R-5 & R-8	Approved	11/08/93

7. **Neighborhood.** This petition falls within the area previously defined as the West Boulevard neighborhood.

REVIEWS

1. **Plan Consistency.** This petition proposes rezoning from a combination of single family residential categories to a conventional multi-family district to reverse City Council's previous rezoning of this property (Rezoning Petition No. 93-90). Plans for the area, specifically the Central District Plan, recommend single family residential zoning and development for the area of the petitioned property. Therefore, the petition is not consistent with publicly adopted plans for the area.
2. **Technical Consistency.**
 1. **Pre-Hearing Staff Input.** Staff has processed the petition at hand on behalf of the petitioner.

2. **Departmental Comments.** The departmental comments on this petition were very few due to the nature of the petition.

ISSUES

1. **Land Use.** This petition essentially proposes to reverse City Council's prior rezoning action on this property. The petitioned property was included in a recently approved rezoning from multi-family to single family residential as part of the implementation of the Central District Plan. This petition would return the property to the previous zoning classification. Publicly adopted plans for the area recommend continued single family residential development. Therefore, in terms of land use, the petition is not consistent with publicly adopted plans for the area.
2. **Site Plan.** There is no site plan which accompanies this petition. Any consideration of this proposal to rezone to a multi-family residential category should be based on a conditional site plan.

CONCLUSION

This petition would essentially reverse the previous City Council action which rezoned the petitioned property from multi-family residential to single family residential in accordance with the Central District Plan.

*Subject to further refinement following public hearing.

Petition #: 94-4

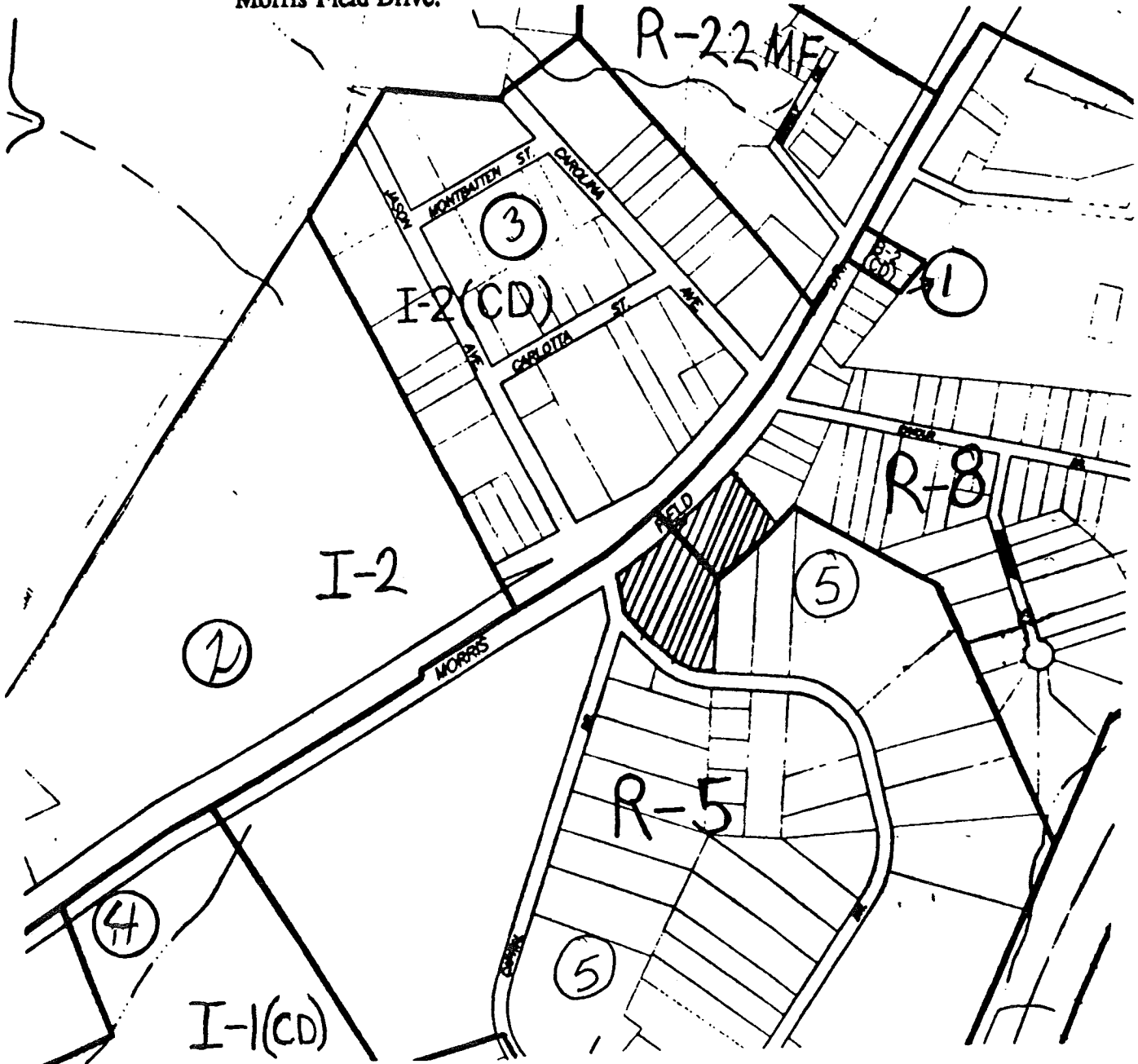
Petitioner: City of Charlotte

Hearing Date: January 18, 1994

Zoning Classification (Existing): R-5 & R-8

Zoning Classification (Requested): R-22MF

Location: Approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive.



Zoning Map #(s): 104

Scale: 1" = 400'

Petition No. 94-1
Fred E. Bryant
1850 E. Third Street, Ste. 216
Charlotte, NC 28204

Petition No. 94-2
Fred E. Bryant
1850 E. Third Street, Ste. 216
Charlotte, NC 28204

Petition No. 94-3
Robert G. Young
301 S. McDowell Street, Ste. 606
Charlotte, NC 28204

Petition No. 94-4
Julius Dixon
1400 Orvis Street
Charlotte, NC 28216

ZONING COMMITTEE RECOMMENDATION

DATE: January 24, 1994

PETITION NO.: 94-4

PETITIONER(S): City of Charlotte

REQUEST: Change from R-5 and R-8 to R-22MF.

LOCATION: Approximately 2.0 acres located on the southeast corner of Capitol Drive and Morris Field Drive.

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

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

Nays: None.

REASONS

This petition proposes a rezoning from a mixture of single family residential categories to a conventional multi-family category. Publicly adopted plans for the area recommend single family residential zoning for the petitioned property. The subject property was included in a recently approved rezoning petition as part of the implementation of the Central District Plan. This request would return the property to the previous zoning classification. The Zoning Committee discussed the fact that the petitioner which is the City of Charlotte has indicated on the rezoning application a desire to use the property for a child care center. Their concerns include the petitioner's request for such an intensive multi-family zoning classification for a child care facility. The Zoning Committee previously deferred action on this petition to give the property owner an opportunity to submit a conditional plan limiting the uses allowed on the site. The property owner has met with staff and is preparing a specific conditional plan for the site. Therefore, the Zoning Committee deferred action on this petition for 30 days.



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

March 4, 1994

Mayor Richard Vinroot
Members, City Council
Charlotte, North Carolina

Dear Mayor and Council Members:

Attached are recommendations of the Zoning Committee of the Charlotte-Mecklenburg Planning Commission on petitions which have been heard and referred to the Planning Commission for consideration. The recommendations as reflected herein were arrived at in a meeting of the Planning Commission on February 28, 1994.

According to the adopted rules of procedure, these recommendations will be sent to the interested parties with a time period for the conveyance of any written statement set to elapse 12:00 Noon on Monday, March 14, 1994. This will then permit these matters to be placed on your agenda for consideration on Monday, March 21, 1994.

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

Respectfully submitted,

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

JPB:mm

Attachments

**CITY COUNCIL
MEMORANDUM**

November 10, 1993

TO: Mayor and City Council

FROM: 
Ella Scarborough

SUBJECT: Petition #93-90 Area B

Regarding the subject petition which we approved at our Monday Council meeting to rezone from R-22MF to R-5, I am requesting that we vote on November 22 to have the City Council file a rezoning petition to have parcel #115-032-41 (owner, Julius Dixon) returned to R-22MF.

I had been contacted by Ms. Dixon who planned a day care center which is badly needed for this area. In order to have the day care center, it is necessary that the zoning for this parcel be multi-family.

Thank you for your consideration.

ds

C: Wendell White
Walter Fields



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City of Charlotte – Planning Dept. Scanning Rezoning Files

Petition # _____

Document type:

- Applications
- Correspondence
- Department Comments
- Land Use Consistency
 - Mail Info
 - Mapping
 - Other
- Site Plans



* 0 0 B R E A K 0 0 *

Petition #: 94-4

Petitioner: City of Charlotte

Hearing Date: January 18, 1994

Zoning Classification (Existing): R-5 & R-8

Zoning Classification (Requested): R-22MF

Location: Approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive.



Zoning Map #(s): 104

Scale: 1" = 400'



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* 0 0 B R E A K 0 0 *

APPROVED BY CITY COUNCIL

DATE June 20, 1994

CITY CD

Petition No. 94-4

Julius Dixon

ORDINANCE NO. _____

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 2.00 acres located on the southeast corner of Capitol Drive and Morris Field Drive; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on January 18, 1994; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-5 and R-8 to R-22MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

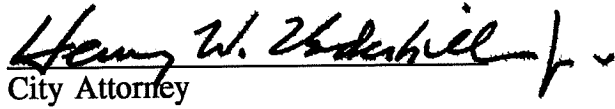
See Attached

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

-continued-

Section 3. 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 20th day of June, 1994, the reference having been made in Minute Book _____, and is recorded in full in Ordinance Book _____ at page _____.

City Clerk

**Petition No. 94-4
Julius Dixon**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Julius Dixon owner(s) and successors-in-interest of the property described as tax parcel 115-032-41 and 115-032-40 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-22MF(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 Chapter 6: Part 1 and 2 of the City of Charlotte 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 City Council under Chapter 6: Part 1 of the City of Charlotte 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 City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.