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Petition # 8024

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OFFICIAL REZONING APPLICATION

CITY OF CHARLOTTE

Petition No. 80-24

Date Filed 5/5/80

Received By Steve Horton

OFFICE USE ONLY

Ownership Information

Property Owner The Little Theatre of Charlotte, Inc. (a nonprofit corporation)

Owner's Address 501 Queens Road

Charlotte, North Carolina 28207

Date Property Acquired June 3, 1940

Deed Reference Book 967 at page 126 Tax Parcel Number 155-021-03

Location Of Property (address or description) 501 Queens Road

Charlotte, North Carolina 28207

Description Of Property

Size (Sq. Ft.-Acres) .851 acre Street Frontage (ft.) 168.42 feet

Current Land Use Production of theatre performances

Zoning Request

Existing Zoning R-6MF-H Requested Zoning 0-6 (CD)

Purpose of zoning change To allow the Petitioner/Property Owner to enlarge its theatre building presently located on the property.

Pender R. McElroy, Attorney
Name of Agent
700 Home Federal Bldg., Charlotte, N.C. 28207
Agent's Address
372-9870
Telephone Number

The Little Theatre of Charlotte, Inc.
Name of Petitioner(s)
501 Queens Road, Charlotte,
Address of Petitioner(s) N.C. 28207
376-3777
Telephone Number
John W. Wood - President
Signature

N/A

Signature of Property Owner if Other
Than Petitioner

INSTRUCTIONS FOR FILING A PETITION FOR A CHANGE IN A ZONING CLASSIFICATION

A petitioner for a zoning change must complete and file in duplicate the application form on the reverse side of this sheet. All information requested must be given.

There is a filing fee of \$100.00 required with each rezoning petition.

No application shall be considered filed until it has been discussed with and accepted by a member of the staff of the Planning Commission.

The application must be accompanied by two copies of a map, drawn to scale, of the property to be considered for a change in zoning.

If the area proposed to be changed is part of a SUBDIVISION recorded in the plat books in the Mecklenburg County Register of Deeds Office, then the map must include the following information:

- 1) A copy of that portion of the recorded map that shows the property to be considered for the proposed zoning change, plus sufficient additional area to show the location of the property in reference to the nearest street intersection.
- 2) The lot and block number(s) of the property proposed to be changed.
- 3) The name of the subdivision, and the plat book and page number at which the map is recorded.
- 4) Dimensions and compass bearings of all lines bounding the property proposed to be changed.

If the area proposed to be changed is ACREAGE or PROPERTY NOT LOCATED IN A RECORDED SUBDIVISION then the map must include the following information:

- 1) The exact dimensions and compass bearings of all lines bounding the property to be considered for the proposed zoning change.
- 2) The location of the property in reference to a street intersection, railroad, creek, or other features easily identified on the ground. Adequate information (distances, compass bearings) must be given to show the exact location of the property with respect to the reference point.

If the petitioner is not the owner of the property, the application must be signed by the owner, or accompanied by a letter signed by the owner signifying his approval of the proposed change. (This does not apply when the petitioner is a group of neighborhood property owners seeking a general change in the zoning of lands or properties within the neighborhood.)

Petitions which have been completed and filed with the Planning Commission will be heard at the earliest feasible scheduled date.

All petitions are considered at a public hearing held jointly by the City Council and the Planning Commission.

ADDENDUM TO
APPLICATION FOR REZONING
THE LITTLE THEATRE OF CHARLOTTE, INC.

The Little Theatre of Charlotte, Inc. ("Little Theatre") is a nonprofit corporation engaged in the production of theatrical performances in its theatre facility at 501 Queens Road, Charlotte, North Carolina. It has served the citizens of Charlotte for more than 55 years. The theatre building has been on the site at 501 Queens Road for approximately 45 years.

The Little Theatre is seeking this rezoning for three reasons:

(1) The Little Theatre has been faced with substantial inflation just as all sectors of the economy have been. Due to increases in operating costs it has been difficult to continue to operate on a break-even basis. Increased seating is the only way the theatre can increase its revenue. Ticket prices have been increased to the limit already. By increasing its seating capacity from 284 to 484, the future of the Little Theatre is made more certain.

(2) The Little Theatre is experiencing a demand from the citizens of Charlotte for more seating. Nearly all existing seats are now sold on a season subscription basis leaving few seats available for individual performances. The theatre feels it necessary to increase its seating capacity to meet the increased demand for tickets.

(3) Since the present theatre building was constructed, very few changes have been made. Space for storage of sets, props, furniture and costumes is totally inadequate. Extra space for storage is now being used at a location several miles away from the theatre. The proposed additional space to be constructed would allow adequate space for this storage in the theatre building.

The petition requests a change in zoning from R-6MF-H to O-6(CD) so that the structural changes necessary to add additional seating and space can be made.

DATE July 13, 1981

PETITION NO. 80-24

PETITIONER(S) The Little Theatre of Charlotte, Inc.

REQUEST Change from R-6MFH to O-6(CD)

LOCATION A parcel of land fronting 168 feet on the easterly side of
Queens Road about 270 feet north of Dartmouth Place.

ACTION The Planning Commission recommends that this petition as now
constituted be approved. (An earlier version of this petition,
including the expansion of seating, was recommended for dis-
approval by the Planning Commission.)

VOTE Yeas: Culbertson, Cummings, Ervin, Jernigan.

Nays: Kirk, Lawing and Trotter.

REASONS:

This request involves a proposal to change from residential to office a parcel of land on which the Charlotte Little Theatre is now located. Initially this petition was submitted proposing to enlarge the existing building to accommodate a seating expansion of 200 additional seats. Planning Commission initially recommended disapproval of this petition and City Council deferred action pending the outcome of a study of the Little Theatre situation by an appointed task force. The final recommendation of this group was for the Little Theatre to remain where it is but not to pursue a proposal involving additional seating. City Council formerly returned the subject petition to Planning Commission and asked for a reappraisal of their recommendation based on the latest plan. The statements which follow are in relation to the latest plan and not to the original version.

The following issues associated with this request can be identified:

1. Neighborhood pattern. Is an expansion of the existing building housing a non-conforming use justified in an area otherwise devoted to residential usage?
2. Proposed form of expansion. Is the amount and type of expansion proposed acceptable in view of the area objectives?
3. Community asset. Do the advantages of this facility as a community asset compare with other land use control objectives for the area?

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

1. Existing zoning. The entire area adjacent to the subject property is zoned a residential, multi-family classification.
2. Existing land use. The subject property has on it at the present time a non-conforming theatre operation while all the adjacent land uses are residential in nature.
3. Current proposal. This petition proposes to expand the existing building occupied by the Charlotte Little Theatre in order to provide a more adequate support space for producing plays. The additional space would enhance the location and design of the existing lobby area and most significantly provide satisfactory quarters for dressing rooms, storage for equipment and props and generally provide for more adequate back stage operation. A substandard structure attached to the rear of the building would be torn down and replaced with a new structure, an extension to the front of the building would be added and a second level would be added to the existing building to the left of the auditorium.
4. Automobile parking. The plans which are projected for adding to the present structure would not disturb the small area which is now used for a very limited amount of parking. At the same time, no additional space would be provided for parking related to the theatre operation. Without the addition of more seats, the type of use which would be made of the currently proposed expansion would not be expected to create any additional demand for parking. It must be recognized that for the most part the existing theatre utilizes parking located on street and not in any off-street parking facility.

The following general finding can be arrived at:

1. Comprehensive Plan. The Comprehensive Plan indicates this area to be in a residential category with the development overall to occur at 0 - 6 dwelling units per acre. This is on an areawide basis and obviously the R-6MFH zoning now present would permit a much higher density on specific parcels.

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

1. While the long term comprehensive objective for this area continues to relate to residential usage, the Little Theatre has operated for many years as an acceptable neighbor to the residential units located in the area.
2. With the removal of the proposal to add additional seating, most of the original objections to this request have been removed.
3. The Little Theatre has, for a long period of time, been recognized as an asset to the community at large and its ceasing to operate would be a blow to the City.
4. With the decision to remain at the present location, the expansion proposed by this request is vitally needed in order to make possible the reasonable continuation of activities within this structure.
5. With its ability to continue to function as a legal, non-conforming use, the denial of this request would not remove it from the area while the approval would enhance its standing, both from a physical design standpoint and an

operational perspective.

6. The facility is not viewed as being detrimental to the general neighborhood and this rezoning can be accomplished without it being recognized as an initiating effort to change the character of this vicinity.

Based on the above findings, the Planning Commission recommends that the petition be approved as it has been modified and includes the revised site plan in this recommendation.

(As noted by the closeness of the vote, the Planning Commission had some mixed feelings about the advisability of recommending this change. The minority view was not opposed to the Little Theatre and its continuing to operate at this location, but was out of concern that indeed this change could be viewed as a reason for making other unrelated changes in the area. It was requested that it be made clear that this recommendation in no way represents a view that office uses in general should be encouraged along this portion of Queens Road but that the change is due to the circumstances of this situation and will have no bearing in determining future recommendations that may be requested in this area.)