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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



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## CHARLOTTE - MECKLENBURG PLANNING COMMISSION

May 16, 1995

### NOTICE OF A REZONING PUBLIC HEARING

This letter serves as notification of a pending rezoning petition on property described below (See Cross-hatched section of map). A joint public hearing with the Charlotte City Council and the Charlotte-Mecklenburg Planning Commission has been scheduled for Monday, June 19, 1995 at 6:00 P.M. in the Charlotte-Mecklenburg Government Center, Meeting Chambers, at 600 East Fourth Street. You are encouraged to attend the public hearing, if you have any concerns regarding this request.

Petition No.: 95-50

Petitioner: Bomar Enterprises

Existing Zoning: I-1

Requested Zoning: I-2(CD)

Property Location: Approximately 13.3 acres located on the southwest corner of the intersection between Philemon Avenue and E. Craighead Road.



If you have any questions regarding this petition, please call Melony McCullough or myself at 336-2205.

Sincerely,

Tim E. Manes  
Land Development Planner

## THE PROTEST PETITION

Anyone desiring to file a written petition of protest intended to invoke the City Council's 3/4 majority vote rule must file such a petition with the City Clerk not later than three normal working days before the scheduled hearing date. For example, for hearings held on Monday, all protest petitions must be filed no later than 5:00 P.M. on the preceding Tuesday. The 3/4 majority rule requires that 3/4 of those eligible to vote among the City Council and Mayor must vote affirmatively in order for a petition to receive approval. The 3/4 majority rule may not apply to site plan amendments to conditional districts in some instances. For protest petition forms and more information on the 3/4 rule, you may call the City Clerk's Office at 336-2247.

**\*PRE-HEARING STAFF ANALYSIS\***

**Rezoning Petition No. 95-50**

**Petitioner:** Bomar Enterprises

**Location:** Approximately 13.3 acres located on the southwesterly corner of the intersection of Philemon Avenue and East Craighead Road.

**Request:** Change from I-1 to I-2(CD).

**BACKGROUND**

1. **Existing Zoning.** The petitioned property is zoned I-1 as are abutting properties located to the north along Sugar Creek. Properties located across East Craighead Road to the east and properties located to the west are zoned for industrial uses. Properties located to the north towards North Tryon Street are zoned a combination of residential and commercial categories. Properties located to the south of the Southern Railroad right-of-way are zoned a combination of industrial and residential categories.
2. **Existing Land Use.** The petitioned site is occupied by a lumber yard and associated parking. Immediately abutting properties located to the south of Philemon Avenue are predominantly developed with single family residential homes. Properties located to the north of Philemon Avenue and across Craighead Road are used for industrial purposes. Further to the north extending towards North Tryon Street properties are used for a combination of commercial and residential development. Properties located to the south of the railroad tracks and to the west of Academy Street are predominantly used for residential development.
3. **Public Plans and Policies.**
  1. **2005 Plan.** The 2005 Plan indicates existing employment land uses in the area of the subject property. The 2005 strategies include potential light rail service.
  2. **Central District Plan (adopted 1993).** The Central District Plan recognizes the existing industrial land uses in the area.

4. **Site Plan.** The site plan which accompanies this petition would accommodate use of the petitioned site as a lumber yard, for outdoor storage purposes, as a contractor's office/yard and for uses as allowed under the I-1 category. The plan notes the existing conditions on the site which include several existing structures and existing concrete pads, existing parking areas and three existing excess points along Craighead Road which are to remain. The plan notes that the required buffers abutting existing residential uses which front on Philemon Avenue may be reduced or waived contingent upon approval of a variance from the Zoning Board of Adjustment. The plan also notes that no new buildings or expansions of existing buildings are planned but could occur.
5. **School Information.** Not applicable.
6. **Recent Zoning History (See Attached Map).**

<u>Petition No.</u>	<u>Request</u>	<u>Action</u>	<u>Date</u>
1. 85-25	I-1 to I-2(CD)	Approved	05/20/85
2. 89-39	R-6MF to B-1(CD)	Approved	06/26/89
3. 90-61	R-6MF to R-6	Approved	09/17/90
4. 90-79	I-2 to UR-3(CD)	Approved	10/22/90
5. 93-105(c)	I-1 to B-2	Approved	11/08/95

7. **Neighborhood.** This site does not fall within a previously defined neighborhood.

### REVIEWS

1. **Plan Consistency.** This petition proposes rezoning from one industrial category to another in order to accommodate additional development opportunities at an existing lumber yard including outdoor storage of vehicles and equipment. Publicly adopted plans recognize this area as one suitable for continued industrial development. Therefore, this petition is consistent with publicly adopted plans for the area.
2. **Technical Consistency.**
  1. **Pre-Hearing Staff Input.** The staff provided technical assistance to the petitioner and relayed several site plan comments subsequent to submittal of the petition.
  2. **Departmental Comments.** Staff comments noted that outdoor storage and parking are not allowed in the setback, noted that the existing front end parking to the existing structure on Craighead Road which requires vehicles to maneuver in the right-of-way needs to be eliminated and closed off with curb and gutter, and noted that existing structures will not be allowed to become more nonconforming. The revised site plan has addressed some of the departmental comments. Outstanding departmental comments as of the preparation of this report include several transportation related issues noted in the

attached CDOT memo.

### ISSUES

1. **Land Use.** This petition raises no land use issues. It proposes a rezoning from one industrial category to another to accommodate additional potential redevelopment opportunities including additional outdoor storage of vehicles and equipment in an area in which publicly adopted plans recognize existing and future industrial development opportunities. Therefore, from a land use standpoint, this petition is viewed as appropriate for approval.
2. **Site Plan.** The site plan which accompanies this petition would accommodate uses as allowed in the existing I-1 category, a lumber yard, a contractor's office/yard and outdoor storage of vehicles, equipment and materials. The plan notes the existing structures and concrete pads to remain. The plan also notes the existing paved parking lot to remain with the exception of a portion of the parking located along Craighead Road which results in maneuvering in the Craighead Road right-of-way. The plan indicates existing access points to Craighead Road to remain. The site plan is viewed as acceptable for approval but there are several outstanding departmental concerns which relate to nonconforming driveways and the need for curb and gutter to close off the Craighead Road parking area which is to be eliminated.

### CONCLUSION

This petition is viewed as acceptable for approval.

\*Subject to further refinement following public hearing.

Petition #: 95-50

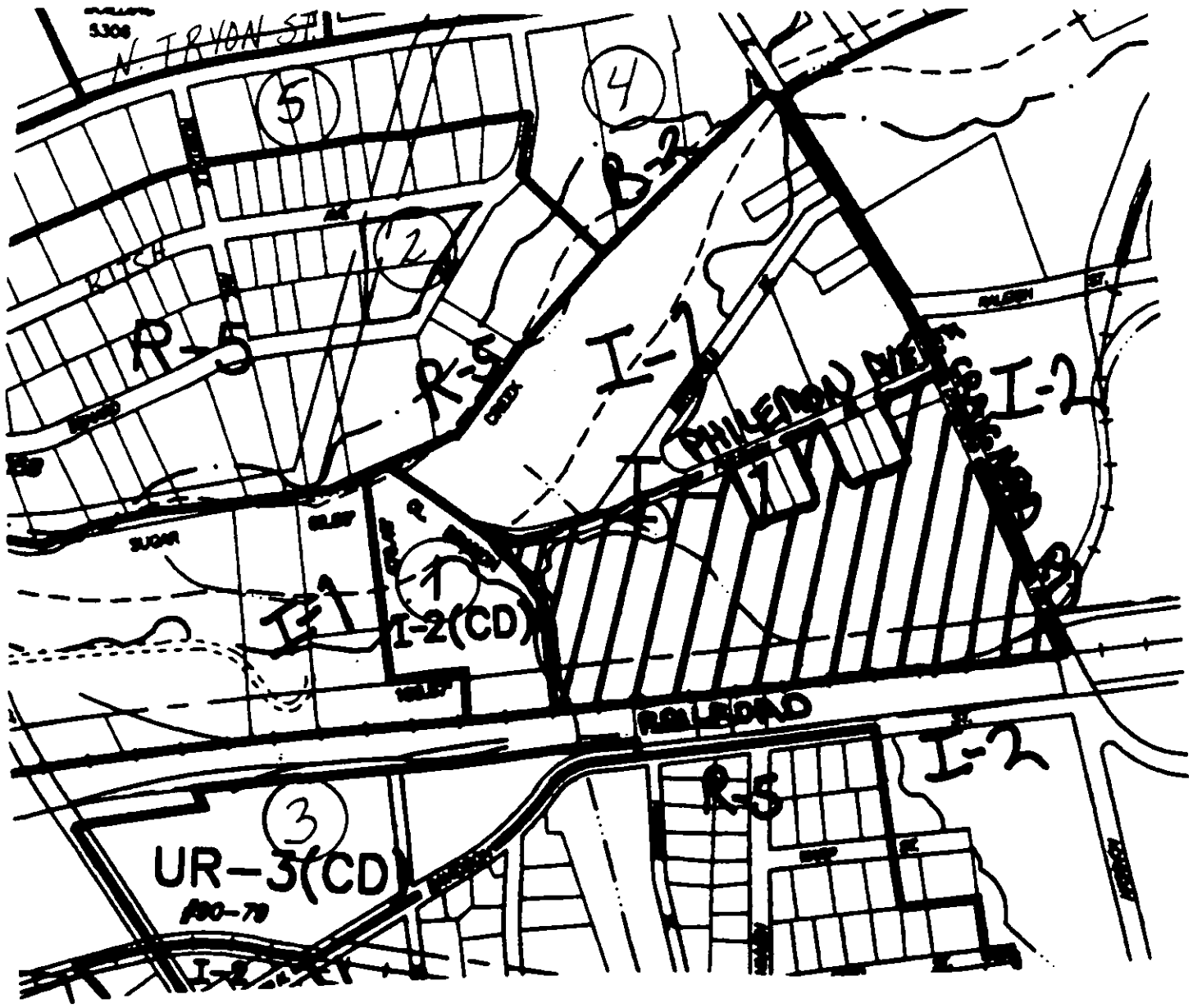
Petitioner: Bomar Enterprises

Hearing Date: June 19, 1995

Zoning Classification (Existing): I-1

Zoning Classification (Requested): I-2(CD)

Location: Approximately 13.3 acres located on the southwest corner of the intersection between Philemon Avenue and E. Craighead Road.



# OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

Petition #:	<u>95-50</u>
Date Filed:	<u>March 24 1995</u>
Received By:	<u>I. [Signature]</u>
<b>OFFICE USE ONLY</b>	

## OWNERSHIP INFORMATION:

Property Owner: Abernethy Lumber Company, Inc.

Owner's Address: 308 E. Craighead Road Charlotte, N.C. 28206

Date Property Acquired: \_\_\_\_\_

Tax Parcel Number(s): 91-112-08, 09(-112-01)

LOCATION OF PROPERTY (Address or Description): 308 E. Craighead Road

Size (Sq.Ft. or Acres): 13.3 acres Street Frontage (Ft.): 656 ft. E. Craighead Rd.

Current Land Use: lumber yard

## ZONING REQUEST:

Existing Zoning: I-1 Proposed Zoning: I-2(CD)

Purpose of Zoning Change: 1. property has been used historically as an I-2 use(lumber yard)

2. I-2 zoning is compatible and consistent with zoning and land use patterns nearby

3. property owner has contracted with petitioner to add additional outdoor storage

Robert G. Young

Name of Agent 301 S. McDowell St. #606  
Charlotte, N.C. 28204

Agent's Address \_\_\_\_\_

334-9157 333-2905

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Bomar Enterprises

Name of Petitioner(s) P.O. Box 101584  
Irondale, Alabama 35210

Address of Petitioner(s) \_\_\_\_\_

205-951-4943

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

SEE FILE

Signature of Property Owner  
if other than Petitioner


x Keith A. Bollman  
Signature



# CHARLOTTE DEPARTMENT OF TRANSPORTATION MEMORANDUM

DATE: May 30, 1995

TO: Laura Simmons  
Planning Commission

FROM:  R. D. Gillis, Chief Traffic Engineer  
Department of Transportation

SUBJECT: Rezoning Petition 95-50: Philemon Avenue and East  
Craighead Road (Revised 5/22/95)

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This site could generate approximately 1,983 trips per day as currently zoned. The revised site plan indicates no change in proposed land use. Therefore, the trip generation (1,983 trips per day) will remain the same.

We have the following specific comments:

- A more detailed site plan which more accurately reflects existing conditions should be submitted for building permit and/or driveway regulation review. The plan should detail all access locations and indicate if they comply with current regulations.
- The vacant lot located at the corner of Craighead Road and Philemon Avenue is currently being used for parking and all access locations to this lot must be brought into compliance with the City Driveway Regulations as noted on the revised plan.
- All existing front-in parking to the existing structure on Craighead Road requires vehicles to maneuver in the right-of-way. This parking area is to be eliminated as noted on the revised plan. The Engineering and Property Management Department has recommended installation of standard 2' 6" curb and gutter to close off the parking area.

We have the following general comments/statements:

We recommend sidewalk construction along both the Craighead Road and Philemon Avenue frontages.

Adequate sight distance triangles must be reserved at the existing/proposed entrance(s). Two 35' x 35' and two 10' x 70' sight triangles are required for the entrance(s) to meet sight distance requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrance(s). Such items should be identified on the site plan.

Laura Simmons  
May 30, 1995  
Page 2

Any proposed reconstructed driveway connection(s) to Craighead Road and Philemon Avenue will require a driveway permit to be submitted to the Charlotte Department of Transportation (CDOT) for review and approval.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. CDOT will determine on a case by case basis whether an encroachment will be considered based on concerns for public safety, applicable standards, and conflicting use of the right-of-way by the City and/or utility franchise holders. Further, CDOT and other City Departments will review the design and construction of the encroaching items and may impose certain requirements as a condition of Encroachment Agreement approval. An Encroachment Agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

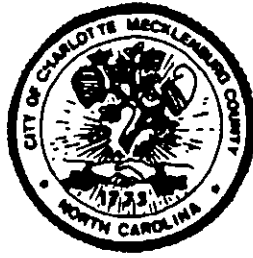
To facilitate building permit/driveway permit review and approval, the site plan must be revised to include the following:

- Dimension width of the existing and proposed driveways. Minimum width for a two-way driveway is 26 feet.
- New/reconstructed driveways must be drop curb ramp Type II driveways (without radii).
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate typical parking module dimensions.
- Include a parking summary with figures for number of parking spaces required and provided.

If we can be of further assistance, please advise.

RDG/REG:hll

c: W. B. Finger  
S. L. Putnam  
R. E. Goddard  
M. B. Crump  
Robert G. Young  
Bomar Enterprises  
Rezoning File



CHARLOTTE - MECKLENBURG PLANNING COMMISSION

June 6, 1995

Mayor and City Council:

RE: Petitions to be Heard in June, 1995

Attached you will find appropriate maps and copies of each petition, as well as the Pre-Hearing Staff Analysis, for petitions scheduled for public hearing on Monday, June 19, 1995 at 6:00 o'clock P.M., in the Charlotte-Mecklenburg Government Center, Meeting Chamber, 600 East Fourth Street.

This material is intended to provide background information concerning the requests and the area in which the properties are located.

Sincerely,

*Walter G. Fields, III (AK)*

Walter G. Fields, III  
Land Development Manager

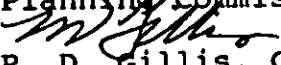
WGFIII:mlk

Attachments

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**FROM:**   
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Department of Transportation

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