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Petition # _____

2001-098

Document type:

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



* 0 0 B R E A K 0 0 *

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition #: 2001-98
Date Filed: 5-4-01
Received By: JK

OWNERSHIP INFORMATION:

Property Owner: 1. First Union National Bank and Billy S. Howell as Co-Trustees for
2. Freedom Mall Partners Mary B.A. Howell
c/o H. Morrison Johnston
Owner's Address: Johnston Allison & Hord City, State, Zip: Charlotte, NC 28236-6469
P.O. Box 36469
Date Property Acquired: 1974 Utilities Provided; (Water) CMUD (Sewer) CMUD
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): An approximate 0.87 acre outparcel
within Freedom Mall near intersection of Freedom Drive and Ashley Road

Tax Parcel Number(s): Portion of 067-142-04 Size (Sq.Ft. or Acres): 0.8724 acres (38,002 sq. ft.)

Current Land Use: Vacant outparcel within Freedom Mall

ZONING REQUEST:

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

Purpose of Zoning Change: *(Include the maximum # of residential units or non-residential square footages):*
To accomodate additional retail uses within Freedom Mall, which is currently zoned I-2.

Section 9.1102(71) of the Ordinance prohibits retail uses on I-2 property which exceed 25,000
square feet. Freedom Mall, constructed in 1974 and prior to the rewrite of the Ordinance,
already contains retail square footage of 117,397 square feet.

J. Christopher Oates, Esq.
Moore & Van Allen, PLLC
Name of Agent
100 N. Tryon Street, Suite 4700
Agent's Address
Charlotte, NC 28202-4003
City, State, Zip
(704) 331-1031 (704) 378-2031
Telephone Number Fax Number

chrisoates@mvalaw.com
E-Mail Address

Signature of Property Owner if other than Petitioner

See signature page attached (includes address,
Name of Petitioner(s) phone numbers and
e-mail)

Address of Petitioner(s)

City, State, Zip

Telephone Number Fax Number

E-Mail Address

Signature

Any Petitioner filing for rezoning is required to discuss the proposal with a CMPC Land Development staff member at least one week prior to the filing of the petition. Upon submittal of the petition, all required items must be verified by a CMPC Land Development staff member before an application is considered completed and filed for processing. Incomplete applications are not accepted and will be returned to the petitioner. No applications will be accepted after the closing deadline for each month's cases. **There is a limit of 16 cases per month.**

Prior to the filing of a Conditional District Rezoning Petition, it is strongly encouraged that a preliminary site plan be submitted to the Planning Staff for review and recommendation. There is no fee for preliminary plan review. The preliminary plan must include items 6(a), 6(c), 6(d), and 6(e) listed below. (5 copies are required for interdepartmental review.)

CONVENTIONAL REZONING APPLICATION FILING REQUIREMENTS:

1. Two signed official applications;
2. Two survey maps delineating the property in question;
3. A Filing Fee (See Fee Schedule below);
4. A written boundary description showing distances and bearings of property lines, or proposed Zoning boundaries, if those boundaries do not follow property lines, a metes and bounds description **MUST** be provided for each Zoning district.;

CONDITIONAL DISTRICT REZONING APPLICATION FILING REQUIREMENTS:

Items 1 - 5 listed above are also required:

6. **Sixteen (20) copies, folded 8½" x 11"**, of a schematic site plan, drawn to scale and at a **maximum of 24" x 36"**, (maps for presentation purposes can be larger), which includes the following items. (16 copies are needed for interdepartmental review):
 - (a) A boundary survey showing the total acreage, present Zoning classification(s), date, north arrow, and vicinity map;
 - (b) Adjoining property lines and names, address, and tax parcel numbers of current adjoining property owners (This information is available at the Mecklenburg County Tax Office, 700 East Stonewall 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 for 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 structure will be located;
 - (e) Traffic, parking and circulation plan, showing proposed locations and arrangements of parking spaces and entrance and exit to adjacent streets (show existing drives opposite proposed project);
 - (f) Proposed screening, including walls, fences, or planting areas, as well as treatment of any existing natural features and any proposed buffers or landscaped yards at the project boundary.
 - (g) Generalized information as to the number, height, size, and location of structures;
 - (h) Proposed phasing.
 - (i) Delineation of areas within the regulatory floodplain as shown on the official Charlotte flood areas map and delineation of SWIM buffers.
 - (j) Topography at four foot contour intervals or less (existing and proposed);
 - (k) Schematic site plan must be titled with project plan and proposed use;
 - (l) List of additional conditions proposed to regulate the development of the site.

***** Note: Revised and corrected site plans are due Four Weeks prior to the scheduled Public Hearing. Failure to meet the deadline will result in an automatic deferral of the Public Hearing.**

CITY OF CHARLOTTE REZONING FILING FEES: Effective July 1, 2000

<u>DISTRICT REQUESTED</u>	<u>CONVENTIONAL APPLICATION FEE</u>	<u>CONDITIONAL DISTRICT APPLICATION FEE</u>
Single Family Residential:	\$ 670.00	\$ 855.00
Multi-Family Residential:	\$ 955.00	\$ 1,270.00
All Other Districts:	\$ 1,535.00	\$ 2,095.00

To check the status of a Rezoning Petition, Please Visit our Web Site: <http://www.ci.charlotte.nc.us/ciplanning/rezsub/rezoning/rezoninglog/rezoninglog.htm>

FEE DUE UPON SUBMITTAL OF APPLICATION TO THE PLANNING COMMISSION BY CHECK OR MONEY ORDER MADE PAYABLE TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

PETITIONERS:

**FIRST UNION NATIONAL BANK AND
BILLY S. HOWELL AS CO-TRUSTEES FOR
MARY B.A. HOWELL**

c/o H. Morrison Johnston
Johnston Allison & Hord P.A.
P.O. Box 36469
Charlotte, NC 28236-6469
Telephone: (704) 332-1181
Facsimile: (704) 376-1628
E-mail: mjohnston@jahlaw.com

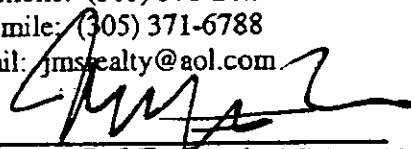
First Union National Bank, as Co-Trustee

By: _____
Name: _____
Title: _____

Billy S. Howell, as Co-Trustee

FREEDOM MALL PARTNERS

c/o Jeffrey M. Schottenstein
1000 Bricknell Avenue, Suite 910
Miami, FL 33131
Telephone: (305) 371-2824
Facsimile: (305) 371-6788
E-mail: jmsrealty@aol.com

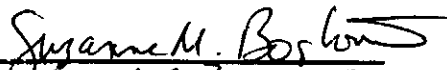
By: 
Name: JEFF SCHOTTENSTEIN
Title: GENERAL PARTNER

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Charlotte, NC 28236-6469
Telephone: (704) 332-1181
Facsimile: (704) 376-1628
E-mail: mjohnston@jahlaw.com

First Union National Bank, as Co-Trustee

By: 
Name: SUZANNE BOGLOVITS
Title: VICE PRESIDENT

Billy S. Howell, as Co-Trustee

FREEDOM MALL PARTNERS

c/o Jeffrey M. Schottenstein
1000 Bricknell Avenue, Suite 910
Miami, FL 33131
Telephone: (305) 371-2824
Facsimile: (305) 371-6788
E-mail: jmsrcalty@aol.com

By: _____
Name: _____
Title: _____

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By: _____
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Title: _____


Billy S. Howell, as Co-Trustee

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E-mail: mjohnston@jahlaw.com

First Union National Bank, as Co-Trustee

By: Suzanne M. Boglovits
Name: Suzanne M. Boglovits
Title: Vice President

Billy S. Howell, as Co-Trustee

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1000 Bricknell Avenue, Suite 910
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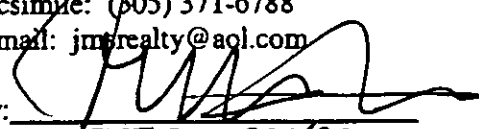
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By: 
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