

Mayor Patrick L. McCrory

Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL ZONING AGENDA

Tuesday, September 17, 2002

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

**Review Proposed Child Care Regulations and
Approve Filing of Child Care Text Amendment**
Attachment No. 1

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

- 2. Plan Amendment (PA 02-01) – (decision) by *Cambridge Properties*** to adopt an ordinance amending the 1996 Northeast District Plan for several parcels of land along Prosperity Church Road in the southeast quadrant of Eastfield and Prosperity Church Roads for approximately 74.11 acres.

Planning Commission Staff requests a 30-day deferral of this plan amendment so that the decision on the plan amendment will coincide with the decision on the accompanying rezoning petition #2002-89.

Attachment No. 2

3. **Petition No. 2002-48 (decision) by *Triven Properties, LLC*** for a change in zoning for approximately 11.8 acres located north of Cindy Lane and west of I-77 from R-4 to R-8(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition, with the following modifications:

- Sidewalk will be added to both sides of all roads.
- An appropriate tree save area will be identified during the subdivision process.
- CDOT and Storm Water Services comments will be addressed during the subdivision process when engineered plans are available.

Attachment No. 3

4. **Petition No. 2002-52 (decision) by *Frances L. Flowe*** for a change in zoning for approximately 130 acres located on the north side of Hamilton Road, east of Steele Creek Road from R-3 to R-4(CD).

The Zoning Committee voted unanimously to recommend **WITHDRAWAL** of this petition contingent upon the protest petition being withdrawn.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 4

5. **Petition No. 2002-63 (decision) by *Rozumny Development, LLC*** for a change in zoning for approximately 48.5 acres located between Bellhaven Boulevard and NC Highway 16 abutting the northerly side of Long Creek from R-3 LW-PA to MX-2 LW-PA.

The Zoning Committee voted 4-3 to recommend **DENIAL** of this petition.

Attachment No. 5

6. **Petition No. 2002-65 (decision) by *Robert T. Murphy*** for a change in zoning for approximately 3.1 acres located at 14221 Youngblood Road, by the intersection of Youngblood Road and York Road (NC 49) from R-3 to B-2(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modifications:

- The 4,500 square foot reception hall has been deleted.
- Parking has been increased to 67 spaces.
- No permanent structures will be constructed in the future right-of-way for Shopton Road Extension.

- A 50-foot wooded buffer will be retained along Youngblood Road.
- Maximum attendance has been reduced to 125 people.

A protest petition was filed and was sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 6

- 7. Petition No. 2002-70 (decision) by *Continental Real Estate/Queens Properties*** for a change in zoning for approximately 59 acres located north of West W.T. Harris Boulevard at Technology Drive from RE-1 to MUDD(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition, contingent upon all transportation issues being resolved to the satisfaction of CDOT prior to City Council action.

Attachment No. 7

- 8. Petition No. 2002-76 (decision) by *Hershell D. Porter*** for a change in zoning for approximately two (2) acres located on the northeast corner of Performance Road and Cedarvale Road, north of Interstate-85 (I-85) and east of Moore's Chapel Road from BD to I-1(CD).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 8

- 9. Petition No. 2002-77 (decision) by *Camden Square Associates, LLC*** for a change in zoning for approximately .55 acres located at the northeast corner of the intersection of South Tryon Street and West Worthington Road from I-2 to MUDD.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 9

- 10. Petition No. 2002-78 (decision) by *Dan Moser Company, Inc.*** for a change in zoning for approximately 31.3 acres located north of Brookshire Boulevard (NC Highway 16) on the west side of Oakdale Road at the intersection of Peachtree Road from R-12MF(CD) and R-20MF(INNOV) to R-5(CD).

The Zoning Committee voted to recommend **APPROVAL** of this petition, with the following modification:

- Vegetative screening on the berm abutting Oakdale Road will be increased from 20 to 40 shrubs per 100 linear feet and a cross-section of the berm area has been added to the site plan.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 10

- 11. Petition No. 2002-79 (decision) by Kenilworth Commons, (E&A) LLC** for a change in zoning for approximately 1.23 acres located near the northwest corner of East Boulevard and Kenilworth Avenue from MUDD(CD) to MUDD(CD) Site Plan Amendment (S.P.A.).

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 11

- 12. Petition No. 2002-80 (decision) by High Family Partnership I, LP** for a change in zoning for approximately 14.7 acres located at the northeast corner of Mallard Creek Road and David Taylor Drive from O-1(CD) to O-1(CD) Site Plan Amendment.

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

Attachment No. 12

- 13. Petition No. 2002-82 (decision) by Gregory Williams** for a change in zoning for approximately 10.35 acres located on the west side of Prosperity Church Road, south of Dearmon Road from R-3 to R-4.

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 13

- 14. Petition No. 2002-85 (decision) by Clarence R. and Edith W. Johnston** for a change in zoning for approximately 9.2 acres located on the north side of Johnston-Oehler Road, south of Ridge Road and east of Prosperity Church Road from R-3 to UR-2(CD).

At the petitioner's request, the Zoning Committee voted to **DEFER** action on this proposal until their September work session.

Attachment No. 14

15. **Petition No. 2002-86 (decision) by *Donna H. Cochran*** for a change in zoning for approximately 14.6 acres located on the west side of Prosperity Church Road, south of Eastfield Road from R-3 to R-8MF(CD).

At the petitioner's request, the Zoning Committee voted to **DEFER** action on this proposal until their September work session.

Attachment No. 15

16. **Petition No. 2002-89 (decision) by *Cambridge Properties, Inc.*** for a change in zoning for approximately 58 acres located on the southeast corner of Eastfield Road and Prosperity Church Road from R-3 to NS and MX-2.

At the staff's request, the Zoning Committee voted to DEFER this petition until their September work session.

A protest petition was filed and was sufficient to invoke the 3/4 majority-voting rule.

Attachment No. 16

17. **Petition No. 2002-90 (decision) by *The City Attorney's Office*** for adoption of a text amendment to Section 6.110 "Hearing" of the City of Charlotte Zoning Ordinance to require that variances associated with a conditional rezoning is secured prior to the approval of the rezoning request.

The Zoning Committee voted unanimously to **DEFER** this text amendment to their September work session.

Attachment No. 17

HEARINGS

18. Adopt a resolution setting a public hearing for October 23, 2002 to consider the adoption of the Resolution of Intent for the 2003 annexation.

Attachment No. 18

19. **Petition No. 2001-102 (hearing).** Change in zoning from R-12MF(CD) and B-1(CD) to B-2(CD) for approximately 2.7 acres located on the northeast corner of Tarlton Drive and Independence Boulevard. *Petitioner: Donald P. Renaldo*

Attachment No. 19

20. **Petition No. 2002-58 (hearing).** Change in zoning from I-1 to CC for approximately 60 acres located on the south side of Sardis Road North and the east and west sides of Galleria Boulevard. *Petitioner: Levine Properties/Progressive Development Partners, LLC*

A protest petition has been filed.

Attachment No. 20

21. **Petition No. 2002-81 (hearing).** Change in zoning from CC to CC Site Plan Amendment for approximately 11.6 acres located north of West W.T. Harris Boulevard between West Sugar Creek Road and Cheshire Road, south of David Cox Road. *Petitioner: Crosland, Inc. c/o Garland Hughes*

Attachment No. 21

22. **Petition No. 2002-84 (hearing).** Change in zoning from R-22MF to UR-3(CD) for approximately 0.88 acres located at the southwest corner of Romany Road and Kenilworth Avenue. *Petitioner: The Boulevard 2000, LLC*

Attachment No. 22

23. **Petition No. 2002-92 (hearing).** Change in zoning from R-8MF(CD) to R-3 for approximately 28.5 acres located on the southwest corner of Ardrey-Kell Road and Lancaster Highway (US Highway 521). *Petitioner: John Wieland Homes of NC, Inc.*

Attachment No. 23

24. **Petition No. 2002-93 (hearing).** Change in zoning from R-5 to O-1 for approximately 0.52 acres located between North Brevard Street and Faison Avenue, north of North Davidson Street. *Petitioner: Richard Vinroot*

A protest petition has been filed and is sufficient to invoke the ¾ majority-voting rule.

Attachment No. 24

- 25. Petition No. 2002-94 (hearing).** Change in zoning from I-1 LW/CA, PA to MX-1 LW/CA, PA for approximately 54.5 acres located between Mount Holly Road (NC Highway 27) and the Mecklenburg County Line.

Petitioner: Ken Graham/Huntersville Investments, LLC

Attachment No. 25

- 26. Petition No. 2002-95 (hearing).** Change in zoning from R-22MF to O-2(CD) for approximately one (1) acre located on the northwest corner of Dixon Street and Campus Street, west of Beatties Ford Road. ***Petitioner: Johnson C. Smith University***

Attachment No. 26

- 27. Petition No. 2002-96 (hearing).** Change in zoning from R-9MF(CD) to R-8(CD) for approximately 8.5 acres located on the east side of North Idlewild Road, south of Lawyer's Road. ***Petitioner: Jed Duckro Development, Inc.***

Attachment No. 27

- 28. Petition No. 2002-97 (hearing).** Change in zoning from R-3 to UR-1(CD) for approximately 4.7 acres located at the northwest corner of Providence Road (NC Highway 16) and Rea Road, on the east side of Old Providence Road.

Petitioner: Jack Morgan

A protest petition has been filed.

Attachment No. 28

- 29. Petition No. 2002-99 (hearing).** Change in zoning from R-3 and I-1 to MX-2 for approximately 74 acres located on the east side of Interstate 485 near the Mecklenburg County Line, south of University City Boulevard.

Petitioner: Crosland, Inc.

Attachment No. 29

- 30. Petition No. 2002-100 (hearing).** Change in zoning from BD(CD) to B-2(CD) for approximately two (2) acres located south of East W.T. Harris Boulevard and north of Margaret Wallace Road, east of Independence Boulevard.

Petitioner: Wilburn Auto Body Shop, Inc.

Attachment No. 30

- 31. Petition No. 2002-101 (hearing).** Change in zoning from R-3 to R-5(CD) for approximately 8 acres located east of Rea Road and south of Parks Farm Lane. *Petitioner: Pulte Homes Corporation*

Attachment No. 31

- 32. Petition No. 2002-102 (hearing).** Change in zoning from R-MH to I-1 for approximately 23.2 acres located south of Westinghouse Boulevard, west of South Tryon Street (NC Highway 49). *Petitioner: Alan T. Withrow*

Attachment No. 32

- 33. Petition No. 2002-104 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 35 acres located on the east side of Reames Road, between Perimeter Parkway and Lakeview Road. *Petitioner: LandCraft Properties, Inc.*

Attachment No. 33

- 34. Petition No. 2002-105 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 21.6 acres located on the north side of Kidd Lane, west of Beatties Ford Road. *Petitioner: Joshua's Farm, Inc.*

A protest petition has been filed.

Attachment No. 34

- 35. Petition No. 2002-106 (hearing).** Change in zoning from R-3 to MX-2 for approximately 49.4 acres located on the west side of Weddington Road between Briar Ridge Drive and Edenderry Drive. *Petitioner: Hinshaw Properties, LLC*

Attachment No. 35