

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***

*Monday, July 15, 2002*

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

**6:00PM – Zoning Decisions**  
Meeting Chamber

### **DECISIONS**

- 1. Petition No. 2000-134 (decision) by Crosland, Inc.** for a change in zoning for approximately 12 acres located on the east side of Prosperity Church Road, between Ridge Road and Johnston-Oehler Road from CC to NS.

The Zoning Committee voted unanimously to recommend **APPROVAL** contingent upon CDOT issues being resolved and with the following modifications:

- Clarification of the note regarding square footage.
- Addition of a note stating that all four sides of every building will be at least fifty percent brick or stucco.
- Clarification that sidewalk will connect to each building and to the sidewalks along roadways.

Attachment No. 1

2. **Petition No. 2000-140 (decision) by Idlewild Investors, LLC** for a change in zoning for approximately 2.1 acres located on the north side of Idlewild Road, east of Monroe Road from O-1 and B-2 to O-1 and B-1(CD).

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

- Language will be added to the site plan prohibiting fast food restaurants, gas station/convenience stores and similar auto intensive uses.

Attachment No. 2

3. **Petition No. 2002-37 (decision) by Bingham Family Limited Partnership** for a change in zoning for approximately 23.8 acres located on the southwest corner of US 521 ad Copper Mountain Boulevard from R-3 to NS.

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

- Retail space will be limited to 30,000 square feet.
- Townhomes will be a maximum of two stories in height.
- Detached lighting in the townhome area will be limited to 10 feet in height.
- Exterior materials will consist of masonry, mostly brick.

**A protest petition was filed and was sufficient to invoke the  $\frac{3}{4}$  majority-voting rule.**

Attachment No. 3

4. **Petition No. 2002-39 by Greg Brock** for a change in zoning for approximately 2.87 acres located on the north side of Albemarle Road, west of Arlington Church Road from R-3 to O-1(CD).

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

Attachment No. 4

5. **Petition No. 2002-46 by HHHunt** for a change in zoning for approximately 24.2 acres located on the west side of Monroe Road, south of Covedale Drive and north of Sardis Road North from I-1 and I-1(CD) to R-17MF(CD).

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

- The site plan needs to indicate that the streamside S.W.I.M. buffer will remain undisturbed.
- The site plan should clarify that the definition of a “Woodland Buffer” does not apply to the S.W.I.M. buffer.
- The note regarding on-site lighting should exclude the use of lighting fixtures that direct light outward.
- The note regarding the proposed bus shelter should be modified to clearly state that the petitioner would provide a bus shelter at his expense as well as a location for the shelter.
- The note on the plan referring to an internal sidewalk system should reference section 12.529 of the zoning regulations. This section contains minimum standards for sidewalk connections to public streets. The schematic site plan included with the petition does not indicate compliance with this section.
- We request that the petitioner provide pedestrian scale lighting along the internal spine road.
- The conditional note pertaining to right-of-way dedication should be revised to indicate that the right-of-way along Monroe road would be dedicated and conveyed not dedicated or conveyed.

**A protest petition was filed and was sufficient to invoke the  $\frac{3}{4}$  majority-voting rule.**

Attachment No. 5

6. **Petition No. 2002-52 (decision) by Frances 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.

**Petitioner requests that this petition be allowed to be withdrawn.**

**A protest petition was filed and was sufficient to invoke the  $\frac{3}{4}$  majority-voting rule.**

Attachment No. 6

7. **Petition No. 2002-59 (decision) by Triven Properties, LLC** for a change in zoning for approximately 24.3 acres located on the west side of Sunset Road, south of Edmore Boulevard from R-3 to R-4.

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

Attachment No. 7

8. **Petition No. 2002-60 (decision) by Ross Hobson** for a change in zoning for approximately .74 acres located on the east side of Grandin Road, north of West Morehead Street from R-8 to UR-2(CD).

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

Attachment No. 8

9. **Petition No. 2002-61 (decision) by Charlotte-Mecklenburg Historic Landmarks Commission** for a change in zoning for approximately 0.7 acres located on the south side of Rea Road, east of Colony Road Extension from B-1(CD) to R-3(CD).

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

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

Attachment No. 9

10. **Petition No. 2002-62 (decision) by J&J University Boulevard, LLC** for a change in zoning for approximately 1.5 acres located on the northeast corner of North Tryon Street and East McCullough Drive from O-1(CD) to B-1(CD).

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

- A new note will be added to the site plan indicating that the exterior elevations of any restaurant building located on the Site will be substantially similar in appearance to the elevations submitted with the Technical Data Sheet and Schematic Site Plan.
- A new note will be added indicated that the petitioner shall engage an ISA Certified Arborist after staking the Site and prior to grading any portion thereof to locate the existing trees on the Site located within the 40-foot landscaped setback on North Tryon Street and the 20-foot setback on East McCullough Drive and specifically identified on the Technical Data Sheet and to provide Petitioner and its contractors with recommendations and procedures to protect the Trees during the grading of the Site and the construction of the improvements depicted on the Technical Data Sheet and Schematic Site Plan. Petitioner and its contractor will follow the tree protection measures recommended by the Arborist that do not prevent Petitioner from constructing the improvements depicted on the Technical Data Sheet and the Schematic Site Plan. Upon the completion of the grading of the Site, the Arborist will inspect the Site and make further

recommendations to protect the Trees if necessary, and Petitioner shall implement such recommendations provided that they do not prevent Petitioner from constructing the improvements depicted on the Technical Data Sheet and Schematic Site Plan. All clearing within any tree save areas shall be done by hand and all tree protection measures will remain in place until the grading of the Site and the construction of the improvements have been completed.

- The Petitioner agrees to dedicate and convey to the City of Charlotte that portion of the Site cross-hatched on the Technical Data Sheet for right-of-way necessary for the proposed McCullough Drive Extension.

Attachment No. 10

- 11. Petition No. 2002-63 (decision) by Rozumny Development, LLC** for a change in zoning for approximately 49 acres located between Bellhaven Boulevard and NC Highway 16 abutting the northerly side of Long Creek from R-3 LLW-PA to MX-2 LLW-PA.

The Zoning Committee's vote resulted in a **3-3 TIE** to **DENY** the petition. Therefore, this petition will be placed on their July worksession agenda. (A 3-3 vote results in an automatic deferral of the petition.)

**This vote was based upon the following modifications made by the petitioner:**

- Petitioner has agreed to install right-turn lane on Bellhaven at its intersection with Mount Holly-Huntersville Road.
- Parking will not be allowed between the buildings and the public streets.

Attachment No. 11

- 12. Petition No. 2002-64 (decision) by City of Charlotte** addition of a Pedestrian Overlay District (PED) that applies particular development standards in addition to the requirements of the underlying zoning districts for approximately 106 acres located on the north and south side of East Boulevard, between Cleveland Avenue and Maryland Boulevard.

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

Attachment No. 12

- 13. 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 from R-3 to B-2(CD).

The Zoning Committee voted unanimously to recommend that this petition be **DENIED**.

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

**NOTE: Petitioner has modified the petition to eliminate the 4,500 square foot reception hall.**

Attachment No. 13

- 14. Petition No. 2002-66 (decision) by W.A.R. Family #1** for a change in zoning for approximately 1.5 acres located on the southeast corner of Baldwin Avenue and East Fourth Street, west of Queens Road from B-2 to MUDD(CD).

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

Attachment No. 14

- 15. Petition No. 2002-67 (decision) by Mount Carmel Baptist Church** for a change in zoning for approximately 43.3 acres located on the south side of Tuckaseegee Road, west of Larry Drive, bounded by Interstate 85 on the south side from R-15MF(CD) to INST.

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

Attachment No. 15

- 16. Petition No. 2002-68 (decision) by Citiline, LLC and Tim Crawford** for a change in zoning for approximately 1.52 acres located on the northwest corner of Bramwyck Drive and Sharon Road from R-3 to UR-1(CD).

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

Attachment No. 16

- 17. Petition No. 2002-69 (decision) by Terry R. Birch** for a change in zoning for approximately 5.7 acres located on the north side of Sharon View Road, east of Sharon Road from R-3 and UR-2(CD) to UR-2(CD) and UR-2(CD) Site Plan Amendment.

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

Attachment No. 17

- 18. Petition No. 2002-71 (decision) by Liberty Oak, Inc.** for a change in zoning for approximately 22.3 acres located on the south side of Arrowood Road, east of Nations Ford Road from R-17MF(CD) to R-12MF(CD).

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

- Dedication of greenway area is to be clearly indicated with a note providing for some adjustment to the specified location upon further delineation of the floodway boundaries.
- A note will be added to the site plan indicating that the exact location of the stub street to the adjacent property to the west may be altered through the subdivision process.

Attachment No. 18

- 19. Petition No. 2002-72 (decision) by The Village of Southend, LLC** for a change in zoning for approximately 3.13 acres bounded by South Boulevard, McDonald Avenue, Euclid Avenue, and Meacham Street from O-2 and MUDD-O to MUDD-O.

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

- Elevations of the proposed residential buildings were added to the petition.
- The proposed curb line along South Boulevard was identified on the site plan.

Attachment No. 19

- 20. Petition No. 2002-73 (decision) by Triven Properties** for consideration of a text amendment to Sections 11.302(a) and 11.304(b) to allow detached dwellings as a permitted use by-right in the Manufactured Housing District.

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

- Amend Section 11.304(b) to clarify that additional requirements indicated in Sections 11.304, 11.306 and 11.307 only apply to manufactured homes and mobile homes.

Attachment No. 20

- 21. Petition No. 2002-74 (decision) by Childress Klein Properties & The Keith Corporation** for a change in zoning for approximately 155 acres located on the northerly side of Billy Graham Parkway, east of Tyvola Road from R-17MF, R-22MF and I-1(CD) to O-1(CD), I-1(CD) and I-1(CD) Site Plan Amendment.

The Zoning Committee voted unanimously to recommend **APPROVAL** of the land-use portion of this petition with the following modifications:

- Outstanding transportation issues will be addressed prior to a vote on this petition.
- The petitioners agreed to provide for future connectivity between the two sites.
- The petitioner agrees to reduce the total new square footage to 1.5 million square feet.
- Petitioner agreed to dedicate the 100-foot SWIM buffer to Mecklenburg County Parks & Recreation for future greenway.
- Petitioner agreed to provide a 50-foot landscaped setback along Billy Graham Parkway.

Attachment No. 21

## HEARINGS

22. **Plan Amendment (PA 02-01)** – Consideration to amend 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. **Petitioner: Cambridge Properties, Inc.**

Attachment No. 22

23. **Petition No. 2002-48 (hearing).** Change in zoning from R-4 to R-8(CD) for approximately 11.8 acres located north of Cindy Land and west of I-77. **Petitioner: Triven Properties, LLC**

Attachment No. 23

24. **Petition No. 2002-70 (hearing).** Change in zoning from RE-1 to MUDD(CD) for approximately 59 acres located north of West W.T. Harris Boulevard at Technology Drive. **Petitioner: Continental Real Estate/Queens Properties**

Attachment No. 24

25. **Petition No. 2002-76 (hearing).** Change in zoning from BD to I-1(CD) for approximately two (2) acres located on the northeast corner of Performance Road and Cedarville Road, north of Interstate 85 (I-85) and east of Moores Chapel Road. **Petitioner: Hershell D. Porter**

Attachment No. 25

26. **Petition No. 2002-77 (hearing).** Change in zoning from I-2 to MUDD for approximately .55 acres located at the northeast corner of the intersection of South Tryon Street and West Worthington Road. **Petitioner: Camden Square Associates, LLC**

Attachment No. 26

27. **Petition No. 2002-78 (hearing).** Change in zoning from R-12MF(CD) and R-20MF(INNOV) to R-5(CD) for approximately 31.3 acres located north of Brookshire Boulevard on the west side of Oakdale Road at the intersection of Peachtree Road. **Petitioner: Dan Moser Company, Inc.**

**A protest petition was filed.**

Attachment No. 27

- 28. Petition No. 2002-79 (hearing).** Change in zoning from MUDD(CD) to MUDD(CD) Site Plan Amendment for approximately 1.23 acres located near the northwest corner of East Boulevard and Kenilworth Avenue.

**Petitioner: Kenilworth Commons, (E&A) LLC**

Attachment No. 28

- 29. Petition No. 2002-80 (hearing).** Change in zoning from O-1(CD) to O-1(CD) Site Plan Amendment for approximately 14.7 acres located at the northeast corner of Mallard Creek Road and David Taylor Drive.

**Petitioner: High Family Partnership I, LP**

Attachment No. 29

- 30. Petition No. 2002-81 (hearing).** Change in zoning from CC to CC Site Plan Amendment for approximately 11.64 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.**

**NOTE: Petitioner is requesting a deferral to a September public hearing.**

Attachment No. 30

- 31. Petition No. 2002-82 (hearing).** Change in zoning from R-3 to R-4 for approximately 10.35 acres located on the west side of Prosperity Church Road, south of Dearmon Road. **Petitioner: Gregory Williams**

**A protest petition was filed.**

Attachment No. 31

- 32. Petition No. 2002-84 (hearing).** Change in zoning from R-22MF to UR-3(CD) for approximately .94 acres located at the southwest corner of Romany Road and Kenilworth Avenue. **Petitioner: The Boulevard 2002, LLC**

Attachment No. 32

- 33. Petition No. 2002-85 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 9.2 acres located on the north side of Johnston-Oehler Road, south of Ridge Road and east of Prosperity Church Road.

**Petitioner: Clarence R. & Edith W. Johnson**

Attachment No. 33

34. **Petition No. 2002-86 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 14.6 acres located on the west side of Prosperity Church Road, south of Eastfield Road. **Petitioner: Donna H. Cochrane**

Attachment No. 34

35. **Petition No. 2002-88 (hearing).** Change in zoning from R-3 to MX-2 for approximately 17.2 acres located on the north side of Ridge Road, east of Prosperity Church Road and west of Highland Creek Parkway.  
**Petitioner: Charles & Mary Fesperman**

**NOTE: Petitioner is requesting a deferral to a September public hearing.**

**A protest petition was filed.**

Attachment No. 35

36. **Petition No. 2002-89 (hearing).** Change in zoning from R-3 to NS and MX-2 for approximately 58 acres located on the southeast corner of Eastfield Road and Prosperity Church Road. **Petitioner: Cambridge Properties, Inc.**

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

Attachment No. 36

37. **Petition No. 2002-90 (hearing).** Consideration 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.

Attachment No. 37

38. Adopt a resolution setting a public hearing for August 26, 2002 (City Council Business Meeting) to consider designating the property known as the “**Sidney and Ethel Grier House Property**” listed under Tax Parcel Number 231-045-03 as of April 2, 2002, and including two acres of land associated with the Sidney and Ethel Grier House as a Historic Landmark.

Attachment No. 38

