

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, May 20, 2002

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

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

DECISIONS

- 1. Petition No. 2002-35 (decision) by *Babak Emadi/Crosland Commercial*** for a change in zoning for approximately 0.22 acres located on the west side of North Davidson Street, south of East 36th Street from B-1 to MUDD-O.

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

- A detailed drawing of the storefronts and railings was added to the site plan.
- Height will be limited to a maximum of 50-feet.

Attachment No. 1

- 2. Petition No. 2002-36 (decision) by *D&D Holdings, LLC*** for a change in zoning for approximately 0.22 acres located on the west side of Herrin Avenue, south of North Davidson Street and east of Patterson Street from R-5 to UR-1.

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

Attachment No. 2

3. **Petition No. 2002-38 (decision) by *Dr. Dan L. Morrill*** for a change in zoning for approximately 4.7 acres located on the east side of Mallard Creek Church Road, north of North Tryon Street (US Highway 29) from O-1(CD) to UR-C(CD).

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

Attachment No. 3

4. **Petition No. 2002-40 (decision) by *Brookshire Development, LLC*** for a change in zoning for approximately 9.8 acres located on the east side of Brookshire Boulevard (NC Highway 16), north of Plainwood Drive and south of Lawton Road from R-5 and I-2 to I-2(CD).

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

Attachment No. 4

5. **Petition No. 2002-41 (decision) by *Eastwood Development Corporation*** for a change in zoning for approximately 39.4 acres located on the north side of Nevin Road and east of Statesville Road (US Highway 21) from R-4 and INST(CD) to R-5(CD) and INST(CD) S.P.A.

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:

- A cross-section of the proposed Cindy Lane Extension will not be included on the site plan. The proposed cross-section to date has not been finalized by CDOT.
- A note will be added to the plan stating that the downstream drainage system will be evaluated and that, if necessary, improvements will be undertaken as per Storm Water Services' requirements.
- The proposed cul-de-sac will be modified such that abutting properties will have a rear yard to rear yard relationship rather than a turnaround at their rear property line.
- The proposed un-platted area along the creek will be labeled and designed as common open space.
- A note will be added to the plan stating that the developer will coordinate design of the site with the design of the Cindy Lane Extension project via CDOT.
- The current alignment of the proposed Cindy Lane Extension, as shown on the site plan, is based on the current project study area as provided by CDOT. The existing reserved right-of-way along the western property line was previously reserved and may or may not be utilized during the design and construction phase of the Cindy Lane project.

- A note will be added to the plan stating the developer will make a good faith effort to provide a pedestrian/bicycle and/or driveway connection between the proposed subdivision and the Nevin Center.
- A note will be added to the plan stating the developer will provide a temporary construction/slope easement to the City of Charlotte for construction of the Cindy Lane Relocation Project. The temporary construction/slope easement shall not exceed the width of the proposed buffer/common open space adjacent to the future Cindy Lane.

Attachment No. 5

6. **Petition No. 2002-42 (decision) by *Young Men's Christian Association of Greater Charlotte (YMCA)*** for a change in zoning for approximately 23.2 acres located on the northeast corner of Donald Ross Road and West Boulevard from R-22MF and O-2 to INST(CD).

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

- A note addressing storm water concerns was added to the site plan.

Attachment No. 6

7. **Petition No. 2002-43 (decision) by *Kent Olson*** for a change in zoning for approximately 5.4 acres located between Carolina Academy Road and Lancaster Highway (US Highway 521) at the county line from R-3 to O-1(CD).

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

Attachment No. 7

8. **Petition No. 2002-45 (decision) by *Jim Plyler/AAC Real Estate Services, Inc.*** for consideration of a text amendment that would amend the Zoning Ordinance to allow "universities, colleges and junior colleges" in industrial districts while disallowing onsite dormitories, resident halls or similar student housing associated with these uses.

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

Attachment No. 8

HEARINGS

9. Adopt a resolution setting a public hearing for June 17, 2002 to consider designating the “*Grier Rea House*” including the interior and exterior of the house as an Historic Landmark.

Attachment No. 9

10. Adopt a resolution setting a public hearing for June 17, 2002 to consider designating the “*Sidney and Ethel Grier House*” including the interior and exterior of the house as an Historic Landmark.

Attachment No. 10

11. Adopt a resolution setting a public hearing for June 17, 2002 to consider designating the “*Carolina Transfer and Storage Building*” including the interior and exterior of the house as an Historic Landmark.

Attachment No. 11

12. Adopt a resolution setting a public hearing for June 17, 2002 to consider designating the “*Home Federal Savings and Loan Building*” including the interior and exterior of the house as an Historic Landmark.

Attachment No. 12

13. Adopt a resolution setting a public hearing for June 17, 2002 to consider designating the “*Daniel A. Tompkins Company*” including the interior and exterior of the house as an Historic Landmark.

Attachment No. 13

14. **Petition No. 1999-89 (hearing).** Change in zoning from R-I to INST(CD) for approximately 8.3 acres located on the northeast corner of Kilborne Drive and Elkin Lane. *Petitioner: Dr. Edward C. Roberts*

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

Attachment No. 14

- 15. Petition No. 2002-21 (hearing).** Change in zoning from R-3 to R-3(CD) and O-1(CD) for approximately 4.5 acres located on the southeast corner of Reedy Creek Road and Harrisburg Road at Interstate 485 (I-485). *Petitioner: Reedy Creek DS, LLC*

Attachment No. 15

- 16. Petition No. 2002-29 (hearing).** Change in zoning from R-3 to MX-2 (Innovative) for approximately 47 acres located on the south side of Tilley Morris Road and McKee Road, north of I-485. *Petitioner: Portrait Homes Construction Company*

Attachment No. 16

- 17. Petition No. 2002-37 (hearing).** Change in zoning from R-3 to NS for approximately 24 acres located on the southwest corner of Copper Mountain Boulevard and Lancaster Highway (US Highway 521). *Petitioner: Bingham Family Limited Partnership*

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

Attachment No. 17

- 18. Petition No. 2002-47 (hearing).** Change in zoning from R-4 to R-8MF(CD) for approximately 25 acres located on the south side of Tuckaseegee Road, east of Mulberry Church Road and north of Interstate 85 (I-85). *Petitioner: Triven Properties, LLC*

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

Attachment No. 18

- 19. Petition No. 2002-49 (hearing).** Change in zoning from B-1(CD) to B-1(CD) S.P.A. for approximately 11.25 acres located on the southeast corner of Mallard Creek Road and Mallard Creek Church Road, on the west side of David Taylor Drive. *Petitioner: RMP – Mallard Creek, LLC*

Attachment No. 19

- 20. Petition No. 2002-50 (hearing).** Change in zoning from CC to CC S.P.A. for approximately 90 acres located on the northwest corner of Interstate 485 (I-485) and Johnston Road and the southeast intersection of Johnston Road and Community House Road. *Petitioner: Continental Communities, Ltd.*

Attachment No. 20

- 21. Petition No. 2002-51 (hearing).** Change in zoning from R-22MF to MUDD-O for approximately 0.23 acres located on the east side of Euclid Avenue, north of East Boulevard. *Petitioner: Mary L. and Michael P. Rogers*

Attachment No. 21

- 22. Petition No. 2002-52 (hearing).** Change in zoning from R-3 to MX-1 for approximately 130 acres located on the north side of Hamilton Road, east of Steele Creek Road. *Petitioner: Frances Flowe*

The petitioner has requested a 30-day deferral of this petition.

Attachment No. 22

- 23. Petition No. 2002-53 (hearing).** Change in zoning from O-2(CD) to O-2(CD) S.P.A. for approximately 5.3 acres located east of Cranbrook Lane and northeast of Randolph Road. *Petitioner: John Skiouris*

Attachment No. 23

- 24. Petition No. 2002-54 (hearing).** Change in zoning from I-2 to R-4 for approximately 1.9 acres located on the west side of Oak Street, east of Valleydale Road. *Petitioner: Ben L. Livingston*

Attachment No. 24

- 25. Petition No. 2002-56 (hearing).** Change in zoning from MUDD(CD) and MUDD-O to MUDD-O and MUDD-O (S.P.A.) for approximately 4.9 acres located on the south side of East Fifth Street, between North Torrence Street and Travis Avenue, north of Elizabeth Avenue. *Petitioner: Providence Road Land Partners, LLC*

Attachment No. 25

- 26. Petition No. 2002-57 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 6.4 acres located on the northeast corner of Park South Drive and Stokes Avenue. *Petitioner: Fairhills Development Group, LLC*

Attachment No. 26