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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

August 28, 2001

## NOTICE OF A REZONING PUBLIC HEARING

Conditional zoning decisions are a legislative process subject to judicial review. Conditional zoning decisions shall be made in consideration of identified relevant adopted land use plans for the area. The petitioner is required to hold at least one community meeting before a public hearing may be held. A written report of at least one such community meeting held by the petitioner must be filed in the Office of the City Clerk at least ten days prior to the date of the public hearing. If these requirements are not met, the petitioner's case will be deferred. The petitioner will contact you concerning this meeting.

This letter serves as notification of a pending rezoning petition on the property described below (See cross-hatched section of map). **A PUBLIC HEARING with the Charlotte City Council has been scheduled for MONDAY, SEPTEMBER 17, 2001 at 6:00 P.M.** in the Charlotte-Mecklenburg Government Center, Meeting Chambers, 600 East Fourth Street. You are strongly encouraged to attend the public hearing if you have any concerns regarding this request.

Zoning Committee Work Session

Date: September 26, 2001

Time: 4:30 P.M.

The Zoning Committee Work Session will be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, room number 266 on the 2<sup>nd</sup> floor.

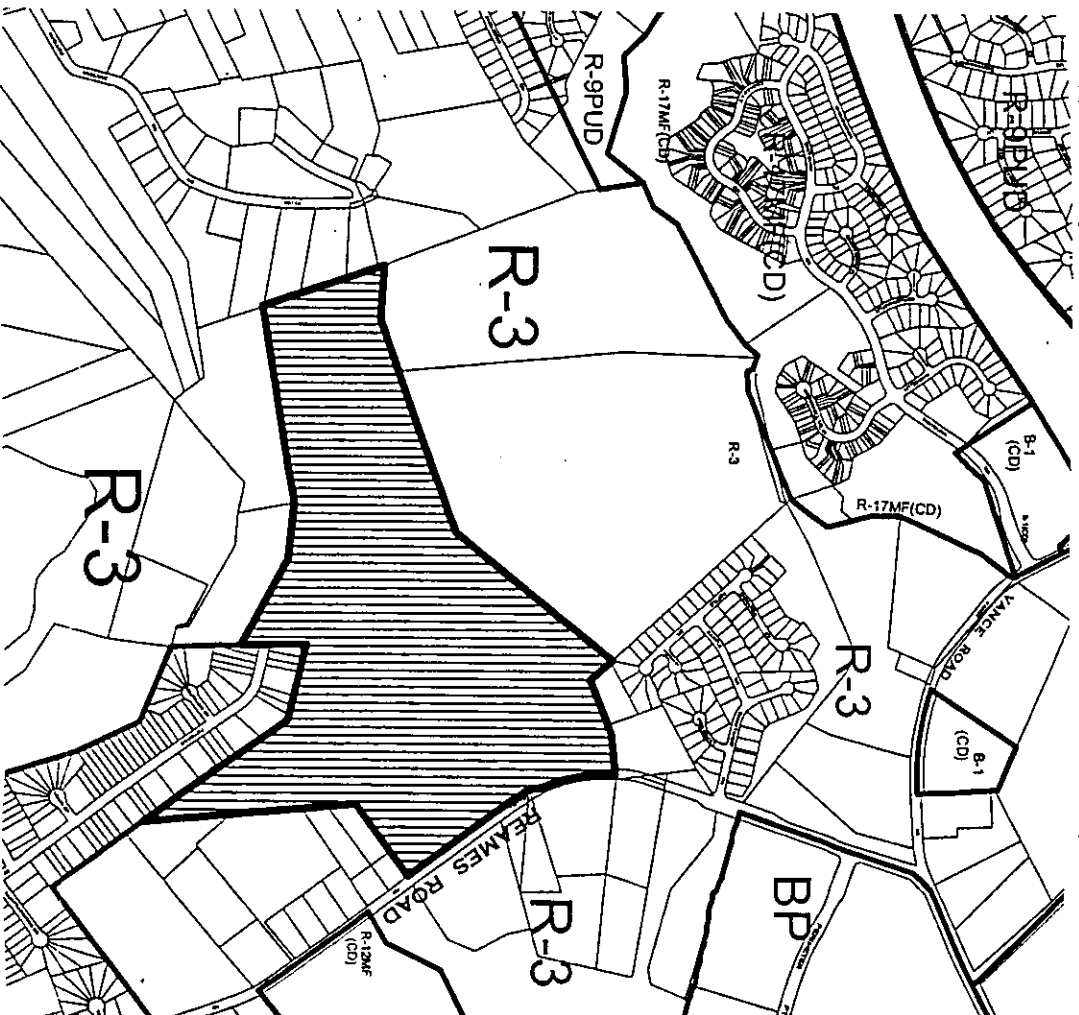
**PETITION NO.: 2001-107**

**Petitioner:** Centex Homes

**Existing Zoning:** R-3 (3 Single Family Residential Units per Acre)

**Requested Zoning:** MX-2 (Innovative) Conditional (Mixed Use)

**Property Location:** Approximately 100 acres located on the west side of Reames Rd., south of Vance Rd..



If you have any questions regarding this petition, please call me, Sonja Sanders, Shad Spencer, Tim Manes, Tom Drake or Tammie Keplinger at 704/336-2205.

Sincerely,

Charlotte A. Waldron  
Associate Planner

**Open House Forum:** Informal meeting with the petitioner and interested parties.

**Public Hearing:** Proponents and opponents of proposed rezoning petition present comments before the Charlotte City Council.

**Zoning Committee Work Session:**

Following the public hearing, the Zoning Committee of the Planning Commission renders their recommendation. This is a public meeting open to any interested parties but is not a hearing.

## THE PROTEST PETITION

*Per City of Charlotte Zoning Ordinance, Section 6.113*

A petition protesting any reclassification of property must be signed by the owners of 20 percent or more, either of the area of the lots included in a proposed amendment, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots in order to invoke the 3/4 voting rule.

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 at least two (2) normal working days (excluding Saturdays, Sundays and Legal Holidays) prior to the date established for a public hearing on the proposed change of amendment. For example, for hearings on Monday, all protest petitions must be filed no later than 5:00 P.M. on the preceding Wednesday. 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.

Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. In order to effectively withdraw signatures, the withdrawals must be in writing, identifying the rezoning petition protested against, and state that the submitted signatures have the purpose of deleting the signers from the protest petition. A withdrawn protest may not be reinstated after the deadline for filing protests.

For protest petition forms and more information on the 3/4 rule, you may call the City Clerk's Office at 336-2247.

Petition #: 2001-79

Petitioner: Ghazi/Cornelson Group

Hearing Date: June 18, 2001

I-2(CD) and INST

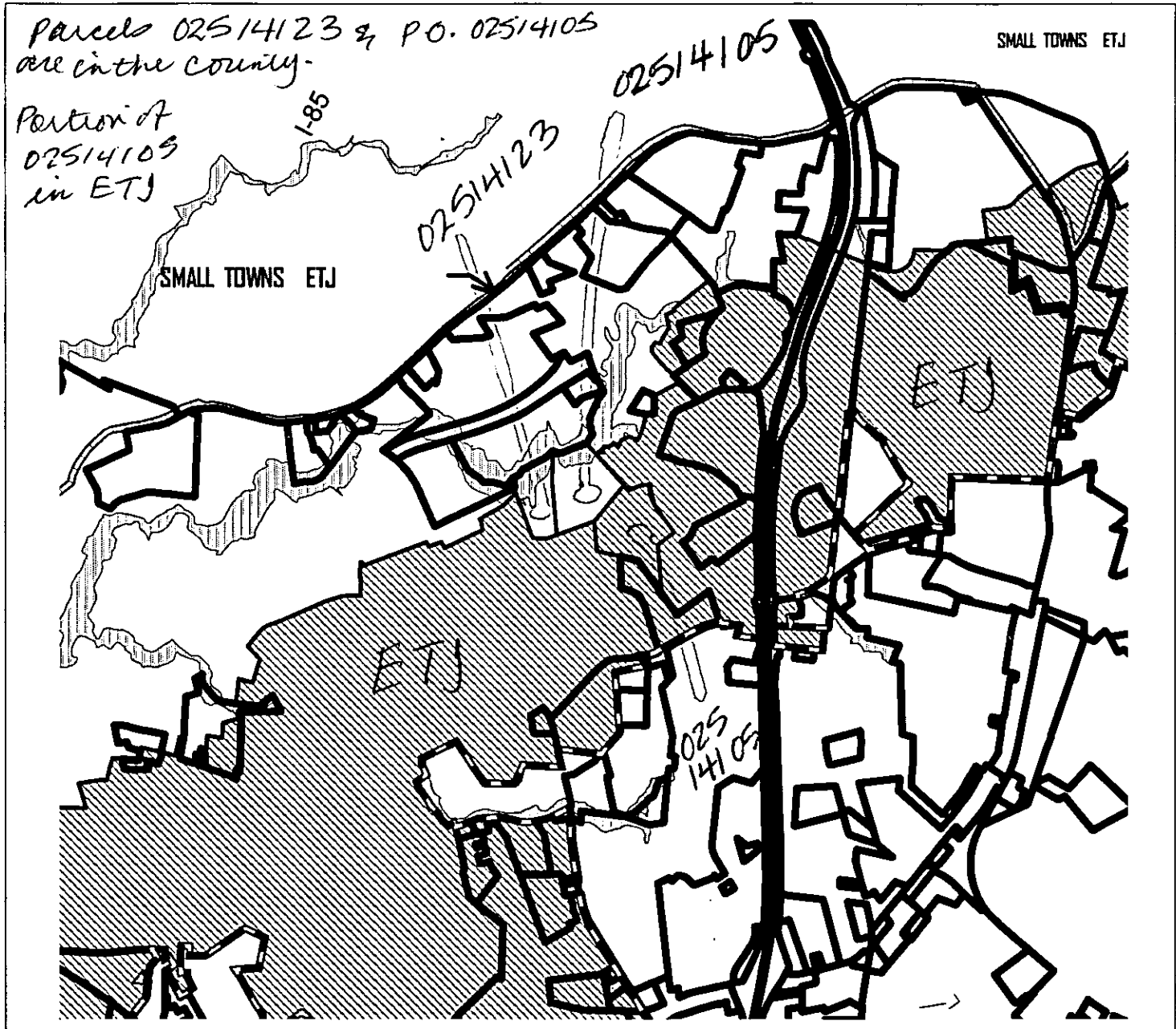
Zoning Classification (Existing):

MUDD-O

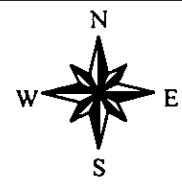
Zoning Classification (Requested):

ETJ map  
page 13

**Acres & Location** Approximately 16 acres located at the end of Ken Hoffman Drive, on the west side of East W. T. Harris Boulevard and north of University City Boulevard.



Zoning Map #(s); 58



**Petition #:** 2001-79

**Petitioner:** Ghazi/Cornelson Group

**Hearing Date:** June 18, 2001

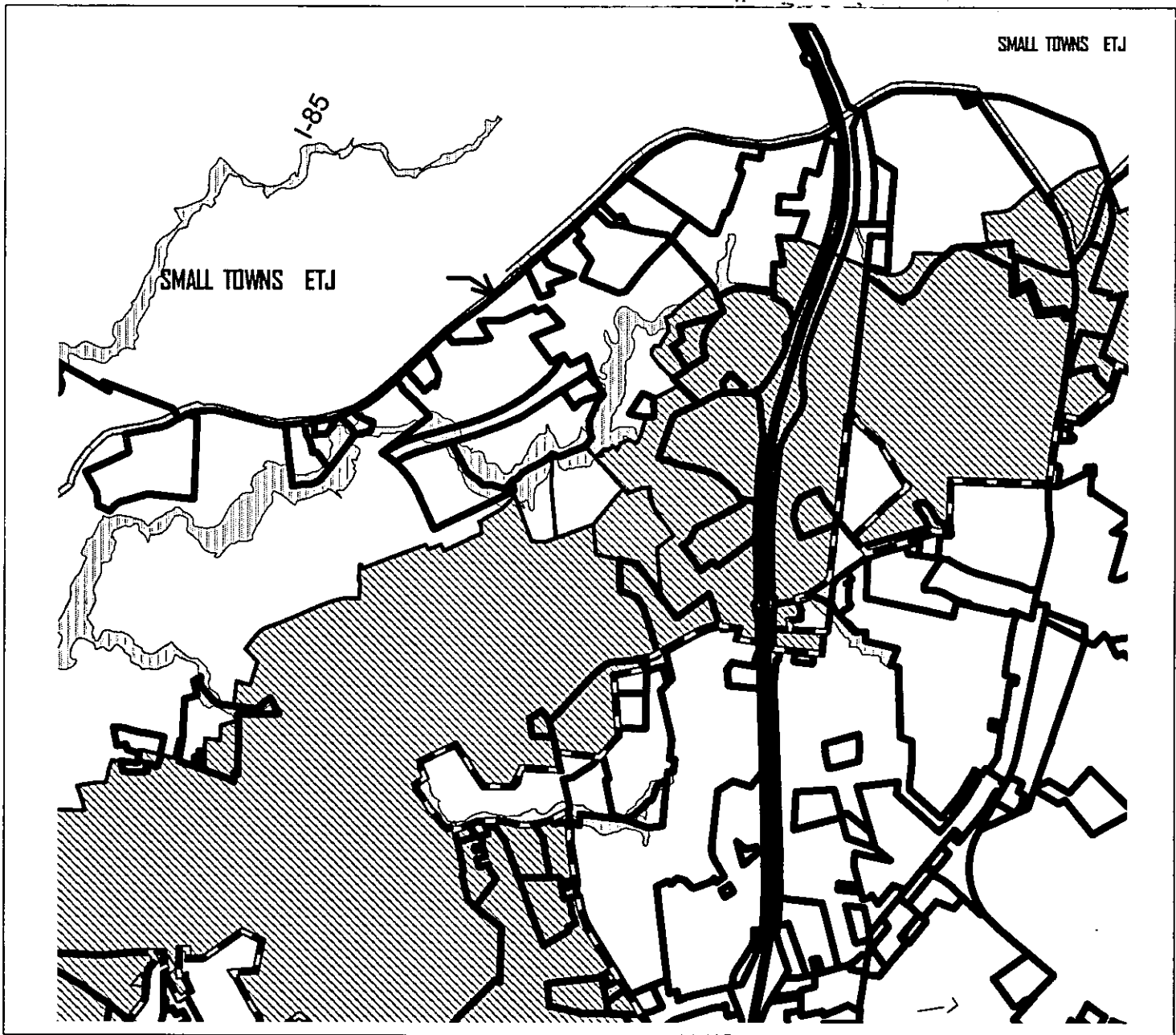
I-2(CD) and INST

**Zoning Classification (Existing):**

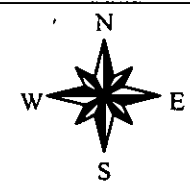
MUDD-O

**Zoning Classification (Requested):**

**Acreage & Location** Approximately 16 acres located at the end of Ken Hoffman Drive, on the west side of East W. T. Harris Boulevard and north of University City Boulevard.



**Zoning Map #(s):** 58



Petition #: 2001-12(c)

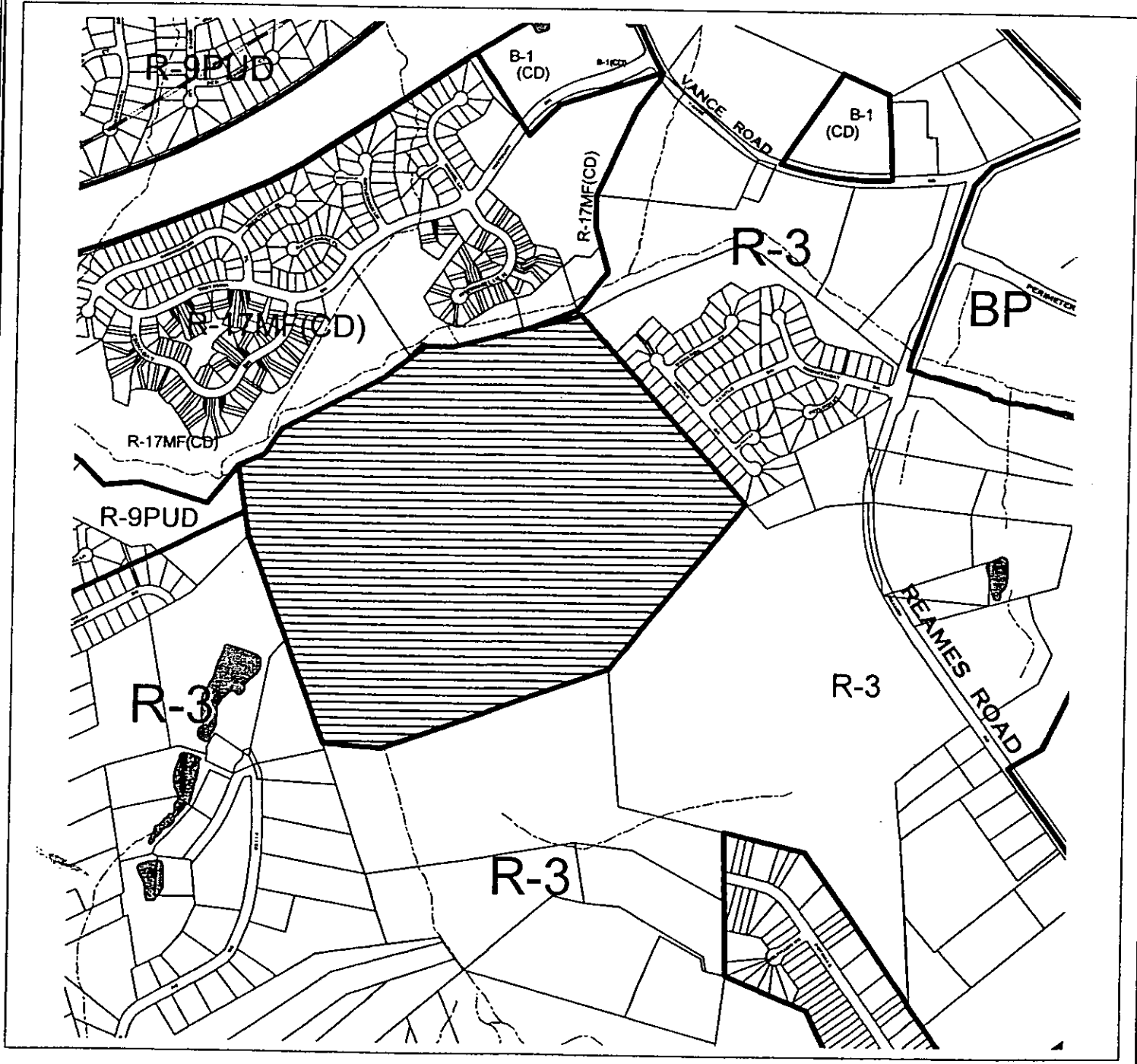
Petitioner: Centex Homes

Hearing Date: September 11, 2001

Zoning Classification (Existing): R-3

Zoning Classification (Requested): MX-2 Innovative

Acresage & Location Approximately 100 acres located east of Reames Road, south of Vance Road and north of Lakeview Road.



Zoning Map #(s); 44,45,50,51

**Map Legend**

	ETZ		Floodplain/shp
	Atmospheric		County Line
	Water/shed		City Limits/(or)
	Historic District		

# OFFICIAL REZONING APPLICATION MECKLENBURG COUNTY

Petition #:	<u>2001-12(c)</u>
Date Filed:	<u>6/11/01</u>
Received By:	<u>SLS</u>

## OWNERSHIP INFORMATION:

Property Owner: See Exhibit A attached hereto

Owner's Address: See Exhibit A attached hereto

Date Property Acquired: See Exhibit A Tax Parcel Number(s): 025-141-23;  
portion of 025-141-05

Utilities Provided; (Water) CMUD (Sewer) CMUD  
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): Reames Road south of its intersection  
with Vance Road

Size (Sq.Ft. or Acres): 100 acres, more or less

Current Land Use: Vacant

## ZONING REQUEST:

Existing Zoning: R-3 Proposed Zoning: MX-2 (Innovative)

Purpose of Zoning Change: To accommodate a residential development comprised of for sale  
single family detached homes and for sale duplex homes.

John H. Carmichael  
Name of Agent  
Kennedy Covington Lobdell & Hickman, L.L.P.  
100 North Tryon Street, Suite 4200  
Charlotte, NC 28202-4006  
Agent's Address (City, State, Zip)

704-331-7509                      704-331-7598  
Telephone Number              Fax Number

See Attached Joinder Agreements  
Signature of Property Owner if other than Petitioner

Centex Homes  
c/o Randol Tilghman  
Name of Petitioner  
Vanguard Centre  
5350 77 Center Drive, Suite 100  
Charlotte, NC 28217  
Address of Petitioner(s) (City, State, Zip)

704-523-8111                      704-522-0975  
Telephone Number              Fax Number

rtilghman@centexhomes.com  
E-Mail Address

[Signature]  
Signature

*Kennedy Covington*  
ATTORNEYS AT LAW

John Hemstreet Carmichael  
704.331.7509  
Fax: 704.353.3209  
jcarmichael@kennedycovington.com

July 26, 2006

**VIA HAND DELIVERY**

Mr. Keith H. MacVean  
Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street, 8<sup>th</sup> Floor  
Charlotte, NC 28202-2853

RE: Conveyance of an approximately .312 acre parcel of land located within the right-of-way of Reames Road and subject to Rezoning Petition No. 2001-107 to Charter Properties

Dear Keith:

As you will recall, Rezoning Petition No. 2001-107 was approved by the Charlotte City Council on December 17, 2001. Pursuant to this Rezoning Petition, an approximately 90.45 acre site (the "Centex Site") located on Reames Road was rezoned from the R-3 zoning district to the MX-2 (Innovative) and R-8 MF (CD) zoning districts at the request of Centex Homes. A portion of the Centex Site that contains approximately .312 acres is located between Bayview Parkway and Prestbury Boulevard within the right-of-way of Reames Road (hereinafter referred to as the "Parcel"). The Parcel is also located adjacent to an approximately 55.03 acre site that was rezoned to the R-12 MF (CD) and Institutional (CD) zoning districts by the Charlotte City Council on April 17, 2006 pursuant to Rezoning Petition No. 2005-167. The Parcel is highlighted on Exhibit A attached hereto and incorporated herein by reference.

Charter Properties is developing the 55.03 acre site and it needs to acquire the Parcel for the purpose of installing street improvements and dedicating right-of-way. I am advised by John Porter of Charter Properties that Centex Homes is willing to convey the Parcel to Charter Properties subject to Centex Homes' receipt of a letter from you confirming that the conveyance of the Parcel to Charter Properties will not cause Centex Homes to be in violation of the City of Charlotte Zoning Ordinance or the approved conditional rezoning plan relating to Rezoning Petition No. 2001-107, and that it will not adversely impact Centex Homes' development rights or reduce the number of dwelling units that may be developed on the Centex Site.

You may recall that I met with you recently to discuss this matter, and you confirmed that the conveyance of the Parcel from Centex Homes to Charter Properties will not cause Centex

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LIB: CHARLOTTE



Mr. Keith H. MacVean  
July 26, 2006  
Page 2

Homes to be in violation of the City of Charlotte Zoning Ordinance or the approved conditional rezoning plan relating to Rezoning Petition No. 2001-107, and that it will not adversely impact Centex Homes' development rights or reduce the number of dwelling units that may be developed on the Centex Site.

Keith, I would appreciate your confirming the foregoing by signing this letter in the space provided below and returning a fully-executed copy of this letter to me to forward to Todd Harrison at Centex Homes and John Porter at Charter Properties.

As always, I appreciate your assistance, and should you have any questions or comments, please do not hesitate to give me a call.

Very truly yours,



John H. Carmichael  
For the Firm

JHC/aca

\*\*\*\*\*

CONFIRMED:

By: Keith H. MacVean 7/28/06  
Keith H. MacVean

Title: Land Development Manager  
Charlotte-Mecklenburg Planning Commission

\* area is e/w to be used  
for road improvements  
as called for in the original Plan.