

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James E. Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren Turner

CITY COUNCIL ZONING AGENDA
Monday, April 17, 2006

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – April, May & June 2006
Debra Campbell, Planning Director

DECISIONS

1. **Petition No. 2005-167 (decision)** by *Charter Properties, Inc.* for a change in zoning of approximately 55.03 acres located west of I-77 and east of Reames Road from R-3, R-5(CD) and R-8MF(CD) to R-12MF(CD) and INST(CD).

The valid protest petition on this petition has been withdrawn.

A motion was made by Mr. Cooksey, seconded by Mr. Howard, that the petition was consistent with the Opportunities and Constraints portion of the General Development Policies. That motion passed unanimously.

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

- The day care center will connect internally with the multi-family development and will be provided with a left turn lane.
- More specificity will be added to the internal sidewalk layout.
- Tree save area has been reduced to 15% and the petition will deal with tree save and stormwater as a unified site.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 1

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-167.htm>

2. **Petition No. 2005-169 (decision)** by *Red Partners* for a change in zoning of approximately 3.07 acres located northwest of Scott Avenue and south southwest of East Boulevard from B-1(PED) and R-22MF(PED) to B-1(PED-O) and R-22MF(PED-O).

Committee member Ratcliffe made a motion indicating that the petition is consistent with adopted land use policy recommendations for the East Boulevard Pedscape Plan and the Central District Plan. Committee member Carter seconded the motion.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-169.htm>

3. **Petition No. 2006-02 (decision)** by *John Gilchrist, East-West Partners Management Company, Inc.* for a change in zoning of approximately 12.145 acres located west of Providence Road and south of Ardrey Kell Road from R-3 to UR-2(CD).

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

Upon a motion by Mr. Cooksey, seconded by Ms. Carter, the Committee voted unanimously to find the petition consistent with adopted plans and policies.

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

- A right-out only driveway connection has been made to Providence Road
- A detailed landscaping plan for the area between the golf course and the townhomes has been added to the plan.
- The dumpster has been removed from the front setback.
- A bus waiting pad will be constructed along Providence Road.

Staff disagrees with the Zoning Committee's recommendation. Staff does not agree with a right-only driveway on Providence Road. Petition should be modified to provide a right-in, right-out driveway on Providence Road.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-002.htm>

4. **Petition No. 2006-04 (decision)** by *Terri and Stephen McGirt* for a change in zoning of approximately 10.47 acres located north of Shopton Road east of Sandy Porter Road from R-3 to I-1(CD).

A protest petition has been filed and is not sufficient to invoke ¾ majority-voting rule.

Commissioner Cooksey made a motion to find this petition consistent with the Westside Strategic Plan. Commissioner Carter seconded the motion, which was approved unanimously.

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

- The petitioner has added a note to the site plan indicating fertilizers will be stored inside.
- All storm water notes have been added to the plan.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-004.htm>

5. **Petition No. 2006-06 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 116.04 acres located south of John Belk Freeway and north of Kingston Avenue from B-1, B-2, I-1, I-2, O-2 and R-22MF to TOD-M.

Commissioner Howard made a motion to find this request consistent with the South End Transit Station Area Plan. The motion was seconded by Ratcliffe and unanimously approved.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-006.htm>

6. **Petition No. 2006-11 (decision)** by *Homeowners of Hermitage Court* for a change in zoning of approximately 15.0 acres located west of Providence Road and south of Dartmouth Place from R-5, R-3, R-22MF and R-6MF(CD) to (R-3, R-5, R-22MF, R-6MF(CD))HD-O.

A motion was made by Cooksey and seconded by Carter finding this petition within the power and authority of the City of Charlotte. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-011.htm>

7. **Petition No. 2006-15 (decision)** by *BrookeChase Properties, LLC* for a change in zoning of approximately 3.86 acres located south of Ballantyne Commons Parkway and northwest of Williams Pond Lane from R-3 to O-2(CD).

Upon a motion by Mr. Cooksey, seconded by Mr. Ratcliffe, the Committee found that while inconsistent with adopted plans this petition was reasonable and in the public interest.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-015.htm>

8. **Petition No. 2006-19 (decision)** by *Family Support Services, Inc.* for a change in zoning of approximately 9.78 acres located north of The Plaza and east of Glenfiddich Drive from R-4 to INST(CD).

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

Commissioner Sheild made a motion to find this petition consistent with the North East Area Plan. Commissioner Carter seconded the motion, which was approved unanimously.

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

- Building 1 will be used for administrative offices housing staff and office equipment.
- Building 2 will be used to provide supportive planning services, recreational activities.
- The new building will be owned by Family Support Services and managed by an independent management company and will be limited to senior housing.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-019.htm>

9. **Petition No. 2006-26 (decision)** by *Graham Development, Inc.* for a change in zoning of approximately 33.15 acres located north of East Independence Boulevard and west of Morningside Drive from R-22MF and R-4 to MUDD-O.

Upon a motion by Ms. Carter, seconded by Mr. Howard, the Zoning Committee voted unanimously that this petition was consistent with the General Development Policies.

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

- Water quality improvements will be constructed for all blocks in the development.
- The proposed street connection across the creek to Lyons Court will be analyzed during subdivision review.
- Mecklenburg County Parks & Recreation will need to be satisfied as to their remaining concerns.
- The remainder of the modifications are contained in a letter from the petitioner's agent dated March 17, 2006.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-026.htm>

10. **Petition No. 2006-32 (decision)** by *Merrifield Partners, LLC* for a change in zoning of 6.78 acres located southeast of Eastfield Road and west of Prosperity Church Road from R-3 to NS.

The Zoning Committee voted unanimously to **DEFER** this petition until April 26, 2006.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-032.htm>

11. **Petition No. 2006-33 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 4.783 acres located south of the intersection of Hawkins Street and Rampart Street from I-2 to TOD-M.

Commissioner Carter made a motion to find this petition consistent with The South End Transit Station Area Plan. Commissioner Howard seconded the motion, which was approved unanimously.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-033.htm>

12. **Petition No. 2006-35 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 83 acres located along Beatties Ford Road, south of Interstate 85 and west of Interstate 77 from I-1, I-2, B-1, B-2, O-1, O-2, R-17MF and R-22MF to B-1, INST, R-5 and R-22MF.

A motion was made by Carter and seconded by Howard finding this petition consistent with the West End Land use and PED Plan. The Zoning Committee unanimously approved this motion.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-035.htm>

13. **Petition No. 2006-34 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 310.3 acres located along Beatties Ford Road and south of Interstate 85 and west of Interstate 77 from I-1, I-2, B-1, B-2, O-1, O-2, R-17MF and R-22MF to I-1, I-2, B-1, B-2, O-1, O-2, R-17MF and R-22 MF with Pedestrian Overlay (PED).

A motion was made by Ratcliffe and seconded by Carter finding this petition consistent with the West End Land use and PED Plan. The Zoning Committee unanimously approved this motion.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-034.htm>

14. **Petition No. 2006-36 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 0.89 acres located north of W. Tremont Avenue and west of Hawkins Street from I-2 to TOD-M.

Commissioner Carter made a motion to find this petition consistent with The South End Transit Area Plan. Commissioner Ratcliffe seconded the motion, which was approved unanimously.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-036.htm>

15. **Petition No. 2006-38 (decision)** by *Clarion Homes, LLC* for a change in zoning of approximately 54.72 acres located north of Lakeview Road and west of Interstate 77 from R-3 to MX-1(Innovative).

A motion was made by Ratcliffe and seconded by Carter finding this petition consistent with the Northeast District Plan and the GDP. The Zoning Committee unanimously approved this motion.

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

- New trees save area is to be established in the common open space on the west side of Reames Road.
- Cross section of the reverse frontage treatment wall providing type of materials and height.
- Pedestrian scale lighting along all streets.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-038.htm>

16. **Petition No. 2006-39 (decision)** by *Alpine Village* for a change in zoning of approximately 59.22 acres located south of Freedom Drive and east of Toddville Road from R-3, R-4 and R-17MF to MX-2(LLW-PA).

The Zoning Committee voted unanimously to **DEFER** this petition until April 26, 2006.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-039.htm>

17. **Petition No. 2006-41 (decision)** by *Landmark Development Partners, LLC* for a change in zoning of approximately 4.53 acres located south of Tuckaseegee Road and east of Little Rock Road from B-1(CD)LLW-PA and R-3LLW-PA to BD(CD)LLW-PA and O-1(CD)LLW-PA.

A motion was made by Carter and seconded by Cooksey finding this petition inconsistent with the South West District Plan. The Zoning Committee unanimously approved this motion.

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

- The area to the rear of a portion of the self-storage building and the rear of the office parcel will be used for tree save.
- The note reserving the right to request a buffer variance will be removed.
- The maximum building area for the office will be 3,000 square feet.
- The maximum size of wall signs will be 75 square feet per street.

Staff disagrees with the Zoning Committee's recommendation as the adopted plans recommend residential use and recognize the existing retail zoning.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-041.htm>

18. **Petition No. 2006-43 (decision)** by *Cambridge-Eastfield, LLC* for a change in zoning of approximately 13.7 acres located east of Prosperity Church Road and south of Eastfield Road from NS to NS(SPA).

A motion was made by Cooksey and seconded by Ratcliffe finding this petition consistent with the Northeast District Plan. The motion was approved unanimously.

The Zoning Committee voted 4-1 to recommend **APPROVAL** of the petition.

Staff agrees with the majority of the Zoning Committee.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-043.htm>

19. **Petition No. 2006-44 (decision)** by *Merrifield Partners* for a change in zoning of approximately 8.17 acres located west of Steele Creek Road and north of York Road from CC to CC(SPA).

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-044.htm>

20. **Petition No. 2006-46 (decision)** by *Fat City Investment Associates, LLC* for a change in zoning of approximately 0.45 acres located southwest of E. 35th Street and northwest of N. Davidson Street from NS to MUDD-O.

A motion was made by Howard and seconded by Carter finding this petition consistent with the Transit Station Area Principles. The Zoning Committee unanimously approved this motion.

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

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-046.htm>

HEARINGS

21. **Petition No. 2006-05 (hearing)**. Change in zoning from B-1(CD) and R-3 to B-1(CD), O-2(CD) and B-1(CD) S.P.A. for approximately 18.7 acres located east of Sandy Porter Road and south of West Arrowood Road. **Petitioner: AAC Acquisitions, LLC**

Staff recommends approval of this petition if the amount of retail is reduced and other site plan issues are addressed.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-005.htm>

22. **Petition No. 2006-07 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 2.1 acres located north of Frank Vance Road and west of Beatties Ford Road. ***Petitioner: Janette Skyers***

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-007.htm>

23. **Petition No. 2006-22 (hearing).** Change in zoning from R-15MF(CD) to MUDD-O for approximately 4.91 acres located east of Sharon Road and south of Fairview Road. ***Petitioner: Live Oak Development Partnership, LLC***

Two protest petitions have been filed and are sufficient to invoke ¾ majority-voting rule, but have been subsequently withdrawn.

Petitioner is requesting a decision of this petition on the same night of the hearing.

Staff recommends approval of this petition.

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-022.htm>

24. **Petition No. 2006-42 (hearing).** Change in zoning from R-15MF(CD) and O-2 to MUDD-O for approximately 7.1 acres located south of Fairview Road and east of Sharon Road. ***Petitioner: Pappas-Tate, LLC***

Three protest petitions has been filed: two are sufficient to invoke ¾ majority-voting rule, one of which was subsequently withdrawn, the third is not sufficient to invoke the ¾ majority-voting rule..

Staff is requesting a 30-day deferral to allow for traffic study to be submitted and reviewed.

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-042.htm>

25. **Petition No. 2006-50 (hearing).** Change in zoning from B-2 and R-5 to CC for approximately 18.8 acres located southwest of the intersection of E. Independence Boulevard and Pierson Drive. *Petitioner: FCD – Development, LLC*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-050.htm>

26. **Petition No. 2006-52 (hearing).** Change in the zoning from B-1(CD) to NS for approximately 7.05 acres located north of Bevington Place and west of Rea Road. *Petitioner: GVA Lat Purser & Associates, Inc.*

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

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-052.htm>

27. **Petition No. 2006-58 (hearing).** Change in zoning from I-1 to INST(CD) for approximately 2.89 acres located west of Interstate 85 and north of Tuckaseegee Road. *Petitioner: NC Golf Homes of Locust*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-058.htm>

28. **Petition No. 2006-37 (hearing).** Change in zoning from I-2 to I-2(CD) with PED overlay for approximately 1.52 acres located south of the intersection of W. Brookshire Freeway and Interstate 77. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-037.htm>

29. **Petition No. 2006-56 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to classify zoning districts as to whether they are residential or non-residential. These classifications are used when determining separation distances from residential zoning districts. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-056.htm>

30. **Petition No. 2006-57 (hearing).** Change in zoning from R-5 to O-1(CD) for approximately 2.165 acres located north of Billingsley Road and west of Ellington Street. *Petitioner: Mecklenburg County Real Estate Service*

Staff recommends approval of this petition upon resolution of the outstanding site plan issues.

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-057.htm>

31. (A) Hearing to consider designation of the property known as the “**Samuel Neel House**” (listed under Tax Parcel Number 19921101 as of January 1, 2006, and including the interior and the exterior of the house, all outbuildings, and a two acre parcel of land listed under Tax Parcel Number 19921101 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2006). The property is owned by Hannah W. Craighill, and is located at 10240 Withers Road in the City of Charlotte, North Carolina.

- (B) Adopt an ordinance designating the “**Samuel Neel House**” as a Historic Landmark.

Attachment No. 31

Appendix: Residential Location and Design Assessment Matrix (G.D.P.)