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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
Tuesday, January 16, 2007

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Keith MacVean***

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

DECISIONS

1. **Petition No. 2006-48 (decision) by Charlotte Mecklenburg Board of Education** for a change in zoning for approximately 38.82 acres located on the east side of Lancaster Highway south of Providence Road West from MX-2 to MX-2SPA.

The Zoning Committee found this petition to be consistent with the South District Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 1

2. **Petition No. 2006-112 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to mitigate the negative impacts between residential and general industrial uses.

Deferral

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

3. **Petition No. 2006-116 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance update the powers and duties of the Zoning Administrator, Engineering and Property Management, and Neighborhood Development in terms of zoning processes and operations.

New language has been added to detail the process of suspending or revoking a building permit or a certificate of occupancy, as a new enforcement remedy. It also details what City and County staff can conduct zoning reviews and initiate compliance.

The Zoning Committee found this petition to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 3

4. **Petition No. 2006-118 (decision) by Capital Land Partners, LLC** for a change in zoning

for approximately 19.31 acres located on the north side of Old Concord Road west of Fairhaven Drive from I-1 to R-6(CD).

**Protests (3)
(all sufficient)**

Three protest petitions have been filed and are sufficient to invoke $\frac{3}{4}$ majority-voting rule.

The Zoning Committee found this petition to be consistent with the Newell Area Plan, but not reasonable and in the public interest, and recommended **DENIAL** of this petition by a vote of 4-3.

Staff agrees with the MINORITY of the Zoning Committee that this petition should be approved.

Attachment 4

5. **Petition No. 2006-121 (decision) by Janet Lynn Bickett & John Earls** for a change in zoning for approximately 2.4 acres located on the northeast corner of North Graham Street and Oneida Road from R-4 to I-1(CD).

The Zoning Committee found this petition to be consistent with the Northeast District Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

6. **Petition No. 2006-122 (decision) by Charlotte-Mecklenburg Planning Commission** for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to revise the customary home occupation standards.

Deferral

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 6

7. **Petition No. 2006-126 (decision) by DR Horton** for a change in zoning for approximately 50.8 acres located between Johnston Oehler Road and Prosperity Church Road from R-3 to

MX-1.

**Protest
(withdrawn)**

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

The Zoning Committee found this petition to be consistent with the Prosperity Villages Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 7

8. **Petition No. 2006-135 (decision) by Faison-Arrowood Properties, LP** for a change in zoning for approximately 22.30 acres located on the north side of W. Arrowood Road and on the west side of Forest Point Boulevard from B-2(CD) to B-2(CD)SPA.

The Zoning Committee found this petition to be consistent with the (amended) South West District Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 8

9. **Petition No. 2006-137 (decision) by Gulf South Development** for a change in zoning of approximately 27.3 acres located on the north side of Hucks Road and northwest of the intersection of Hucks Road and Browne Road from R-3 to R-4(CD).

**Protest
(withdrawn)**

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

The Zoning Committee found this petition to be consistent with the North East District Plan and the General Development Policies, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 9

10. **Petition No. 2006-143 (decision) by Atlantic Financial Group, Inc.** for a change in zoning of approximately 1.4 acres located on the northeast corner of Park Road and Park

South Drive from R-3 to UR-2(CD).

The Zoning Committee found this petition to be consistent with the General Development Policies, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition with the following modifications:

- The building along Park Road will be reduced to two stories in height.
- Water quality improvements will be undertaken.
- Additional modifications detailed in an email from petitioner's agent dated 12/18/2006.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 10

11. **Petition No. 2006-153 (decision) by New South Properties of the Carolinas, LLC** for a change in zoning of approximately 1.3 acres located on the southeast corner of Park Road and Yale Place from R-4 to UR-1(CD).

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke $\frac{3}{4}$ majority-voting rule.

The Zoning Committee found this petition to be consistent with the Park Road Corridor Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition with the noted modifications:

- Walkways have been added from the homes facing Park Road to the public sidewalk.
- The water quality note will meet the language requested by Storm Water Services.
- The "meandering" note for Yale Place will be deleted per staff's request.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 11

12. **Petition No. 2006-158 (decision) by Charlotte Mecklenburg Planning Commission** for a change in zoning of approximately 1.7 acres located on the east side of Lexington Avenue and 0.3 acres located in the northeastern corner of Dilworth Crescent from B-1 and O-2 to R-8 and R-22MF.

The Zoning Committee found this petition to be consistent with the Dilworth Streetscape and Land Use Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 12

13. **Petition No. 2006-159 (decision) by City of Charlotte Neighborhood Development** for a change in zoning of approximately 0.4 acres located on the west side of Orange Street north of Maxwell Ariel Lane from R-5 to R-6.

The Zoning Committee found this petition to be consistent with the Grier Heights Special Project Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 13

14. **Petition No. 2006-160 (decision) by Heroldton Partners, LLC** for a change in zoning of approximately 4.6 acres located on the west side of N. Wendover Road and the east side of Wendwood Lane north of Churchill Road from UR-2(CD) to UR-2(CD)SPA.

A protest petition has been filed and is sufficient to invoke $\frac{3}{4}$ majority-voting rule.

The Zoning Committee found this petition to be consistent with the South District Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition with the noted modifications:

- The “existing” zoning petition number has been corrected.
- All CDOT issues have been addressed.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

**Protest
(sufficient)**

15. **Petition No. 2006-162 (decision) by Heath Partners, LLC** for a change in zoning for approximately 1.2 acres located on the southwest corner of E. Worthington Avenue and Cleveland Avenue from B-1 to TOD-R(CD).

The Zoning Committee found this petition to be consistent with the South End Station Area Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 15

16. **Petition No. 2006-163 (decision) by Victory Christian Center** for a change in zoning for approximately 8.6 acres located on the northeast corner of Nations Ford Road and E. Hebron Street from B-D(CD) and I-1 to Institutional.

The Zoning Committee found this petition to be consistent with the South West District Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 16

17. **Petition No. 2006-166 (decision) by LNR Property Corporation** for a change in zoning for approximately 10.6 acres located on the south side of Fairview Road between JA Jones Drive and Barclay Downs Drive from O-1 and O-3 to MUDD-O.

The Zoning Committee found this petition to be consistent with the South Park Small Area Plan, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition with the noted modifications:

- The specific wording of site plan notes regarding project signage, water quality improvements, and transportation commitments are to be worked out with staff as per petitioner's agent's letter dated December, 26, 2006.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 17

18. **Petition No. 2006-170 (decision) by Gary N. Babcock** for a change in zoning for approximately 4.3 acres located on the north side of Wilkinson Boulevard west of Sam Wilson Road from I-1(CD)(LLWPA) to I-1(LLWPA).

The Zoning Committee found this petition to be inconsistent with the Dixie Berryhill Plan but reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 18

HEARINGS

19. **Petition No. 2005-92 (hearing)**. Change in zoning from B-2 to MUDD-O for approximately 3.1 acres located northwest of Hawthorne Lane and northeast of East 4th Street. ***Petitioner: Providence Road Land Partners, LLC***

Staff does not recommend approval of this petition in its current form.

Attachment 19

Deferral
(no Community
Meeting Report)

20. **Petition No. 2006-136 (hearing)**. Change in zoning from R-3 to R-8(CD) for approximately 3.8 acres located on Coatbridge Lane south of McLaughlin Drive. ***Petitioner: Richard T. Wynn***

Protest
(sufficient)

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

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

Attachment 20

21. **Petition No. 2006-140 (hearing)**. Change in zoning from R-3 to NS for approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road. ***Petitioner: Southern Holdings IV, LLC***

Protest
(sufficient)

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

Staff recommends denial of this petition.

Attachment 21

22. **Petition No. 2006-141 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 8.6 acres located on the east side of Randolph Road between Shasta Lane and Wonderwood Drive. *Petitioner: Viscaya Randolph, LLC*

**Protest
(sufficient)**

A protest petition has been filed and is sufficient to invoke 3/4 majority-voting rule.

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

Attachment 22

Deferral

23. **Petition No. 2006-142 (hearing).** Change in zoning from INST(CD) to INST(CD)SPA for approximately 19.3 acres located on the southside of Choate Circle west of Moss Road. *Petitioner: Gordon-Cornwell Theological Seminary*

Petitioner is requesting a one-month deferral of this petition to address site plan issues.

Attachment 23

24. **Petition No. 2006-154 (hearing).** Change in zoning from B-2 to TOD-M(O) for approximately 0.2 acres located on the west side of South Boulevard between Arlington Avenue and E. Palmer Street. *Petitioner: Cram Holdings Group, LLC*

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

Attachment 24

25. **Petition No. 2006-156 (hearing).** Change in zoning from MUDD-O to MUDD-O SPA for approximately 3.5 acres located on the northwest corner of N. Graham Street and W. 8th Street. *Petitioner: Fourth Ward Square Associates*

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

Attachment 25

26. **Petition No. 2006-157 (hearing)**. Change in zoning from B-1, B-1SCD, B-2 and R-4 to CC for approximately 42.5 acres located on the south side of Sunset Road between Milhaven Lane and Statesville Road. *Petitioner: Harris, Murr and Vermillion, LLC.*

Staff does not recommend approval of this petition in its current form.

Attachment 26

27. **Petition No. 2006-161 (hearing)**. Change in zoning from O-1(CD) to O-1(CD)SPA for approximately 8.4 acres located on Blakeney Professional Drive southwest of the intersection of Rea Road and Ardrey Kell Road. *Petitioner: Crosland, Inc.*

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

Attachment 27

28. **Petition No. 2006-168 (hearing)**. Change in zoning from B-1(CD) to B-1(CD)SPA for approximately 2.5 acres located on the east side of E. WT Harris Boulevard, south of Hickory Grove Road. *Petitioner: Care III, LLC*

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

Attachment 28

29. **Petition No. 2007-04 (hearing)**. Change in zoning from R-3 to INST(CD) for approximately 26.6 acres located on the east side of Salome Church Road south of Mallard Creek Road. *Petitioner: Freedom House Church*

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

Attachment 29

Deferral
(no Community
Meeting Report)

30. **Petition No. 2007-05 (hearing)**. Change in zoning from R-4 to UR-2(CD) for approximately 2.6 acres located on the southeast corner of E. Woodlawn Road and Rockford Court. *Petitioner: Hulme Repairs, LLC*

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

Attachment 30

Deferral
(no Community Meeting Report)

31. **Petition No. 2007-06 (hearing).** Change in zoning from I-1 to NS for approximately 2.8 acres located on the west side of Carowinds Boulevard south of S. Tryon Street. ***Petitioner: York Development Group***

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

Attachment 31

32. **Petition No. 2007-07 (hearing).** Change in zoning from R-8 to UR-2(CD) for approximately 1.1 acres located on the northwest corner of Baxter Street and Avant Street. ***Petitioner: Anthony Hunt of Stonehunt Development***

Protest
(not sufficient)

A protest petition has been filed and is not sufficient to invoke $\frac{3}{4}$ majority-voting rule.

Decision Requested

Petitioner is requesting a decision the same night as the hearing.

Staff does not recommend approval of this petition in its current form.

Attachment 32

33. **Petition No. 2007-08 (hearing).** Change in zoning from NS(LLWPA) to NS SPA(LLWPA) for approximately 11.7 acres located on the southwest corner of Moores Chapel Road and Kendall Drive. ***Petitioner: Lauth Property Group***

Staff recommends approval of this petition.

Attachment 33

Deferral
(no Community Meeting Report)

34. **Petition No. 2007-09 (hearing).** Change in zoning from R-4 and R-8MF(CD) to INST(CD) for approximately 5.3 acres located on the northwest corner of E. WT Harris Boulevard and Demill Lane. ***Petitioner: Thomas M. & Sara E. Pinion***

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

Attachment 34

35. **Petition No. 2007-10 (hearing).** Change in zoning from R-3 to MX-2 for approximately 17.1 acres located east of E. WT Harris Boulevard at the end of Rockmoor Ridge Road. *Petitioner: Reed Enterprises of CLT*

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

Attachment 35

36. **Petition No. 2006-169 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to refine the regulations for outdoor recreation facilities, by expanding the language to include service and maintenance facilities, golf courses, snack bars, pro shops, fitness centers, among others. The current prescribed conditions have been consolidated and relocated into Chapter 12, rather than being reiterated in each of the Zoning District sections. In addition, a table has been added that summarizes the outdoor recreation screening and buffering requirements.

This amendment also refines the definition of “outdoor recreation” and adds new definitions for “planned development” and “passive park”:

Petitioner: Charlotte-Mecklenburg Planning Commission

Staff recommends approval of this petition.

Attachment 36

37. **Petition No. 2007-02 (hearing).** Change in zoning from R-22MF to R-8 for approximately 7.1 acres located on both sides of Brookside Avenue and 6.6 acres located on Park Road north of Ideal Way. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment 37

38. **Petition No. 2007-12 (hearing).** Change in zoning from B-2 and I-2 to TOD-M for approximately 2.7 acres located on the southwest corner of South Boulevard and Remount Road. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment 38

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