

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, November 20, 2006

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

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

DECISIONS

1. Adopt an ordinance designating the “**City House**” as a Historic Landmark.

Attachment 1

2. **Petition No. 2005-46 (decision)** by *Coogan’s General Contracting* for a change in zoning of approximately 7.4 acres located on the east side of Nations Ford Road, south of Interstate 485 from I-1 to I-2(CD).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2005+Petitions/2005-046.htm>

3. **Petition No. 2006-59 (decision)** by *Self Storage Development, LLC* for a change in zoning of approximately 5.4 acres located east of the intersection of Annalexa Lane and Ballantyne Commons Parkway from R-3 to BD(CD).

The Zoning Committee recommended a **ONE-MONTH DEFERRAL** of this petition to allow it to be converted to a conditional request with a new public hearing.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-059.htm>

4. **Petition No. 2006-75 (decision)** by *Southeast Resort Investment Partners, LLC* for a change in zoning of approximately 0.58 acres located on the corner west of Providence Road and north of Hermitage Court from R-5 to MUDD-O.

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

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 4

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-075.htm>

5. **Petition No. 2006-93 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the definition of “lot width” so that in the third method by which the lot width can be determined, the residential lots must be “created along new streets”, in order to use this definition.

A new definition for “building envelope” has been added in this text amendment. A requirement has been added that all residential lots shall establish a building envelope sufficient to meet the Minimum Housing Code requirements.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-093.htm>

6. **Petition No. 2006-108 (decision)** by *Centex Homes* for a change in zoning of approximately 78.0 acres located east of Johnston Road and north of North Community House Road and Endhaven Lane from R-3 to MX-2(Innovative).

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

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 6

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-108.htm>

7. **Petition No. 2006-109 (decision)** by *Parks Hunter* for a change in zoning of approximately 4.3 acres located on Community House Road between Providence Road West and Dickie Ross Road from R-3 and UR-C(CD) to INST(CD) and UR-C(CD)SPA.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-109.htm>

8. **Petition No. 2006-110 (decision)** by *Gary W. Looby* for a change in zoning of approximately 0.48 acres located on the southeast corner of Downs Avenue and Farley Street from R-5 to R-8(CD).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-110.htm>

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

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-112.htm>

10. **Petition No. 2006-116 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to 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 unanimously recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-116.htm>

11. **Petition No. 2006-120 (decision)** by *Southend Associates, LLC* for a change in zoning of approximately 0.89 acres located on the north side of W. Tremont Avenue west of Hawkins Street from TOD-M to TOD-M(O).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-120.htm>

12. **Petition No. 2006-121 (decision)** by *Janet Lynn Bickett & John Earls* for a change in zoning of 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 unanimously recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-121.htm>

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

- It will limit the total square footage area of the customary home occupation to no more than 25% of the total floor area of the principal building, or 500 square feet, whichever is less. If a portion of a room is being used, the entire room will be measured, not just the portion.
- No detached signs or wall signs are permitted.
- Clients shall be by appointment only.
- Number of vehicles used by clients and visitors are limited to two at any given time.
- Hours of operation shall be between 7:00 am to 8:00 pm.
- Machinery that causes vibration, glare, fumes, odors, or dust are prohibited.
- Articles other than those made on the premise, may be sold through the customary home occupation.
- A single trailer with a cargo area/work platform shall not exceed a length of 14', attached to a vehicle used in the home occupation may be stored on the premise overnight, but no construction equipment can be stored on the trailer.
- Examples of permitted and prohibited home occupations are listed.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-122.htm>

14. **Petition No. 2006-123 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 3.0 acres located on South College Street east of South Tryon Street and north of East Bland Street from I-2 to TOD-M.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-123.htm>

15. **Petition No. 2006-124 (decision)** by *Robert Dancy & Bob Hogan* for a change in zoning of approximately 8.6 acres located on Statesville Road north of Spector Drive from I-1, I-2 and I-2(CD) to I-2(CD).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-124.htm>

16. **Petition No. 2006-128 (decision)** by *Blue Sky Partners, LLC* for a change in zoning of approximately 0.80 acres located on Ideal Way between Euclid Avenue and Marshall Place from R-5 to MUDD(CD).

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

The Zoning Committee found this petition to be inconsistent with the Dilworth Land Use and Streetscape Plan but reasonable and in the public interest and voted 5-2 to recommended **APPROVAL** of this petition with the noted modifications.

Staff disagrees with the recommendation of the Zoning Committee and recommends denial of this petition.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-128.htm>

17. **Petition No. 2006-129 (decision)** by *Blue Sky Partners, LLC* for a change in zoning of approximately 1.2 acres located on the north side of Ideal Way between South Boulevard and Euclid Avenue from B-2 to MUDD-O.

The Zoning Committee found this petition to be consistent with the Central District Plan and the General Development Policies – Transit Station Area Principles and in the public interest and unanimously recommended **APPROVAL** of this petition with the noted modifications.

Staff disagrees with the recommendation of the Zoning Committee and recommends denial of this petition.

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-129.htm>

18. **Petition No. 2006-130 (decision)** by *Balmar Development Corporation* for a change in zoning of approximately 10.1 acres located on the south side of Hickory Grove Road at the intersection of Hickory Grove Road and Shamrock Drive from R-17MF and R-15MF(CD) to R-17MF(CD).

The Zoning Committee found this petition to be consistent with the Eastside Strategy Plan therefore reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the noted modifications.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-130.htm>

19. **Petition No. 2006-131 (decision)** by *Catellus Group, LLC* for a change in zoning of approximately 23.3 acres located on Archdale Drive and Farmhurst Drive east of Interstate 77 from B-1, O-1 and O-2 to MUDD-O.

The Zoning Committee found this petition to be consistent with the opportunity of redevelopment/revitalization listed in the “Opportunities and Constraints” section of the General Development Policies and to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition with the noted modifications.

Staff disagrees with the recommendation of the Zoning Committee and recommends denial of this petition.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-131.htm>

20. **Petition No. 2006-133 (decision)** by *Foothills Capital, LLC* for a change in zoning of approximately 0.60 acres located on the northeast corner of Central Avenue and Westover Street from B-1 to MUDD-(CD).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-133.htm>

21. **Petition No. 2006-145 (decision)** by *Learning Investors, LLC* for a change in zoning of approximately 6.0 acres located on the east side of Weddington Road south of Simfield Church Road from R-8MF(CD) to R-3.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-145.htm>

HEARINGS

22. **Petition No. 2006-89 (hearing)**. Change in zoning from I-1 to MUDD-O for approximately 1.9 acres located on the southwest corner of S. Church Street and W. Summit Avenue. *Petitioner: The Boulevard at 1500 South Church, LLC*

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

Attachment No. 22

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-089.htm>

23. **Petition No. 2006-101 (hearing)**. Change in zoning from UR-2 to UR-3(CD) for approximately 1.3 acres located on the south side of W. 6th Street between N. Sycamore Street and N. Irwin Avenue. *Petitioner: The Boulevard Company*

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

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

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-101.htm>

24. **Petition No. 2006-106 (hearing).** Change in zoning from I-2 and MUDD to TOD-M(O) for approximately 7.0 acres located between South Church Street and Winnifred Street north of W. Bland Street. ***Petitioner: The Boulevard at Church and Bland, LLC***

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

Attachment No. 24

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-106.htm>

25. **Petition No. 2006-107 (hearing).** Change in zoning from R-8 to UR-2(CD) for approximately 1.4 acres located on the southwest corner of S. Bruns Avenue and Sumter Avenue. ***Petitioner: Neighbors Restorations, LLC***

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

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-107.htm>

26. **Petition No. 2006-118 (hearing).** Change in zoning from I-1 to R-6(CD) for approximately 19.3 acres located on the north side of Old Concord Road west of Fairhaven Drive. ***Petitioner: Capital Land Partners, LLC***

Three protest petitions have been filed and are sufficient to invoke ¾ majority-voting rule.

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

Attachment No. 26

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-118.htm>

27. **Petition No. 2006-126 (hearing).** Change in zoning from R-3 to MX-1 for approximately 50.8 acres located between Johnston Oehler Road and Prosperity Church Road. ***Petitioner: DR Horton***

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

Attachment No. 27

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-126.htm>

28. **Petition No. 2006-127 (hearing).** Change in zoning from B-1SCD(LWPA) to CC(LWPA) for approximately 22.1 acres located on the west side of Brookshire Boulevard between Bellhaven Boulevard and Old Plank Road. **Petitioner: Westlake Properties, LLC**

Petitioner is requesting WITHDRAWAL of this petition.

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

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-127.htm>

29. **Petition No. 2006-134 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 9.2 acres located on the west side of Carmel Road between Asherton Drive and Windwood Circle. **Petitioner: Charlotte Retirement Residence, LLC**

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

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-134.htm>

30. **Petition No. 2006-136 (hearing).** Change in zoning from R-3 to R-8(CD) and O-1(CD) for approximately 3.8 acres located on Coatbridge Lane south of McLaughlin Drive. **Petitioner: Richard T. Wynn**

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

Staff recommends a **one-month deferral** of this petition to allow the petitioner to submit a revised site plan.

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-136.htm>

31. **Petition No. 2006-137 (hearing).** Change in zoning from R-3 to R-4(CD) for approximately 27.3 acres located on the north side of Hucks Road and northwest of the intersection of Hucks Road and Browne Road. **Petitioner: Gulf South Development**

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

Attachment No. 31

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-137.htm>

32. **Petition No. 2006-138 (hearing).** Change in zoning from I-2 to I-1(CD) for approximately 0.70 acres located between Freedom Drive and Thrift Road northwest of the intersection of these roads. *Petitioner: Nathaniel W. Means*

Staff recommends deferral of this petition until the land use recommendations of the Bryant Park Small Area Plan are available.

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-138.htm>

33. **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*

Staff recommends denial of this petition.

Attachment No. 33

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-140.htm>

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

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

Attachment No. 34

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-142.htm>

35. **Petition No. 2006-144 (hearing).** Change in zoning from O-2 to MUDD(CD) for approximately 0.90 acres located on the northwest corner of Hawthorne Lane and E. 5th Street. *Petitioner: B&E Properties*

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

Attachment No. 35

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-144.htm>

36. **Petition No. 2006-149 (hearing).** Change in zoning from R-3 to MX-1 for approximately 16.0 acres located on the east side of S. Tryon Street at the intersection of S. Tryon Street and Beam Road. *Petitioner: Songbird Development, LLC*

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

Attachment No. 36

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-149.htm>

37. **Petition No. 2006-152 (hearing).** Change in zoning from I-2 to MUDD for approximately 0.60 acres located on the east side of S. Graham Street and south of I-277. ***Petitioner: Dickerson Realty Florida, Inc.***

Staff recommends approval of this petition.

Attachment No. 37

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-152.htm>

38. **Petition No. 2006-147 (hearing).** Change in zoning from I-2 to TOD-M for approximately 0.40 acres located on the southwest corner of South Tryon Street and West Palmer Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment No. 38

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-147.htm>

39. **Petition No. 2006-150 (hearing).** Change in zoning from I-2 to TOD-M for approximately 0.30 acres located on the east side of Camden Road between Park Avenue and South Tryon Street. ***Petitioner: City of Charlotte Economic Development***

Staff recommends approval of this petition.

Attachment No. 39

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-150.htm>

40. **Petition No. 2006-151 (hearing).** Change in zoning from I-2 to TOD-M for approximately 0.60 acres located on the southwest corner of West Carson Boulevard and South Mint Street. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment No. 40

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-151.htm>

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