

**ZONING COMMITTEE  
RECOMMENDATION  
May 28, 2008**

**Rezoning Petition No. 2008-069**

**Property Owner:** City of Charlotte

**Petitioner:** City of Charlotte

**Location:** Approximately 2,238.06 acres located along Wilkinson Boulevard, Tuckaseegee Road, Little Rock Road, Old Dowd Road, Wallace Neal Road, Dixie Road and West Boulevard

**Center, Corridor, or Wedge:** Center

**Request:**

Current Zoning		Proposed Zoning
R-3	Single family residential	I-2 General industrial
R-3 (LLWPA)*	Single family residential, LLWPA	I-2 General industrial LLWPA
R-4 (LLWPA)	Single family residential, LLWPA	I-2 General industrial LLWPA
R-MH (LLWPA)	Manufactured Housing, LLWPA	I-2 General industrial LLWPA
B-2 (LLWPA)	General Business, LLWPA	I-2 General industrial LLWPA
B-D	Distributive business	I-2 General industrial
B-D (LLWPA)	Distributive business, LLWPA	I-2 General industrial LLWPA
B-D (CD) (LLWPA)	Distributive business, conditional district LLWPA	I-2 General industrial LLWPA
I-1	Light industrial	I-2 General industrial
I-1 (LLWPA)	Light industrial, LLWPA	I-2 General industrial LLWPA
I-1 (CD)	Light industrial conditional district	I-2 General industrial
I-2 (CD)	General industrial conditional district	I-2 General industrial
I-2 (CD) (LLWPA)	General industrial conditional district LLWPA	I-2 General industrial LLWPA

\* (LLWPA) Lower Lake Wylie Protected Area

**Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition and encouraged the Airport Director to work with the Steele Creek Presbyterian Church to resolve their concerns.

**Vote:** Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild

Nays: None

Absent: None

## **Summary of Petition**

This petition proposes to rezone approximately 2,238.06 acres of property owned by the City of Charlotte. As a part of the operation of the Charlotte Douglas International Airport, the FAA requires the adoption of an “*Airport Master Plan*.” Airports are allowed only in the I-2, general industrial zoning district. The property not associated with the “airport proper” will be developed subject to approval by City Council.

The adopted plans encourage a compatible mix of land uses near and around Charlotte Douglas International Airport. The proposed rezoning is consistent with the *Airport Master Plan* and the *Westside Strategic Plan* and is appropriate for approval.

## **Zoning Committee Discussion/Rationale**

Tammie Keplinger reviewed the petition noting that this petition is a conventional rezoning and that some of the properties are located and will remain located in the LLWPA. Mrs. Keplinger stated that questions were raised at the public hearing about the *Airport Master Plan*. Jerry Orr and Jack Christine were present to address questions.

One Commissioner asked how many acres were associated with the maps and how many landowners would have to come together to make a protest petition valid. Mrs. Keplinger responded that the acreage for the smaller maps was not calculated and due to the number and size of the adjacent properties, it is difficult to determine how many signatures would be needed to make the protest petition valid. The Commissioner asked if dividing the area really provided more opportunity for a valid protest petition. Mrs. Keplinger responded that it does because the area proposed to be rezoned is smaller. The division into the four (4) maps was also done to facilitate the approval of portions of the request if needed. Another Commissioner asked the pastor of the church what size buffer would be satisfactory to them. Conversations between the church and the airport will continue in hopes of resolving the church concerns.

Mrs. Keplinger stated that the request is consistent with the *West Side Strategic Plan* which took the airport into consideration. Airports are allowed only in the I-2 district and all of the properties proposed to be rezoned are owned by the City of Charlotte. The plan also encourages office, commercial, light industrial and business park uses around the airport in anticipation of airport growth.

## **Statement of Consistency**

Upon a motion made by Commissioner Sheild and seconded by Commissioner Johnson the Zoning Committee unanimously found this petition to be consistent with the *West Side Strategic Plan* and reasonable and in the public interest.

A Commissioner asked if the fact that West Boulevard is a gateway for the community was taken into consideration especially the area south of West Boulevard. Mr. Orr responded that over \$10 million of “airport” money has been spent on West Boulevard. It includes landscaping, sidewalks, and the construction of the road. Mr. Orr reviewed the “master plan” and pointed out that the airport owns more property than what is proposed to be rezoned. Initially all the property was included in the rezoning but some areas were removed as the Planning staff expressed concerns. It was explained that some of these areas, plus others that will be acquired, will come back in at a later date to be rezoned. Mr. Orr acknowledged the presence of representatives from Steele Creek Presbyterian Church and stated that he has met with them and they are working on resolving their issues and concerns with having industrial zoning next to the church.

The Commission asked how Mr. Orr planned to met the concerns of the church with a conventional rezoning. What would the process be to eliminate any of their concerns? Mr. Orr explained that any lease or sale of land that is over \$100,000 has to go to City Council for approval. Therefore, City Council has the ultimate decision about what happens to the property. The Zoning Committee suspended the rules to ask the church representatives about their concerns. Reverend Doctor Pinkston introduced himself and stated that the church is in negotiations with Mr. Orr about additional buffer but they have not seen a specific proposal but it would be beyond what is required.

Mrs. Keplinger responded that it would have to be a private agreement between the property owners. She further clarified that the zoning ordinance requires a 100-foot class "A" buffer where industrial uses adjoin residential zoning or uses. In October of last year several text amendments were approved to mitigate the negative effects between residential and industrial uses. The amendments allow the 25% reduction of the class "A" buffer only if a berm is constructed.

Upon request from the Commission, Mr. Orr showed the proposed location of the future intermodal facility and identified the location of specific components associated with the facility. The Commission also discussed new residential development around the airport and the impact the airport will have. Mr. Orr stated that it is a very difficult issue but airplanes are getting quieter so the noise impact is decreasing. The airport has an extensive program to work with developers.

### **Vote**

**Upon a motion made by Commissioner Randolph and seconded by Commissioner Lipton the Zoning Committee to recommend APPROVAL of this petition.**

The Commission expressed concern about the area south of West Boulevard and specifically the area around the Steele Creek Presbyterian Church. It was pointed out that there are significant land issues associated with the property beside the church that may make the property hard to develop.

The Commission suspended the rules to ask Reverend Doctor Pinkston if the rules for the I-2 district are followed as indicated by staff, does that address the concerns about the buffer. Reverend Doctor Pinkston indicated that they would like know what is going to happen on the property before a decision is made on the petition. A Commissioner asked that if this petition proceeds, is it not possible for the church and the airport to negotiate an easement or buffer? Another Commissioner responded that there are other property owners that are not necessarily against the airport but may want the opportunity to comment. It was pointed out that the church property is the most affected by the proposed rezoning. The Commission continued to discuss the communication between the airport and the residential property owners in the area.

Debra Campbell stated that the *Dixie Berryhill Plan*, *Westside Strategic Plan*, and the *Central District Plan* have all discussed the expansion of the airport and the need to balance airport expansion with the residential land in the area. If a conditional plan were requested with the level of specificity that the Commission would want, Mr. Orr would have a difficult time providing it due to the size and the build out time. Mr. Orr concurred with this statement. Ms. Campbell stated that staff has reached a comfort level with the petition as it is consistent with the plan, it is publically owned land, specific financial transitions must go to the Council, and because the industrial text amendments were approved to lessen the impacts between industrial and residential land uses.

**The Zoning Committee strongly encouraged and recommended that the airport work with Steele Creek Presbyterian Church to facilitate the appropriate buffer for the church and voted unanimously to recommend APPROVAL of this petition.**

Mr. Orr responded that he could assure the Commission that this petition will not go forward to the City Council without the issue being resolved.

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.