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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
Monday, June 19, 2006

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

6:00PM – Zoning Decisions/Hearings
#37-Amended Budget Adoption Agenda Item
and Ordinance
Meeting Chamber

DINNER MEETING

- ***Rezoning Update – June & July 2006***
- ***Update City Council on TOD/PED review process***
Debra Campbell, Planning Director

DECISIONS

1. (A) Hearing to consider designation of the property known as the “**Siloam Schoolhouse**” (listed under Tax Parcel Numbers 02965105 and 02911C99 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of May 1, 2006, and including the interior and the exterior of the schoolhouse and approximately 2 acres of land as shown on the attached drawing and listed under Tax Parcel Numbers 02965105 and 02911C99 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of May 1, 2006). The property is owned by Young Properties of Charlotte, LLC, and is located along John Adams Road in Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the “**Siloam Schoolhouse**” as a Historic Landmark.

Attachment No. 1

2. **Petition No. 2004-129 (decision)** by *RBC Corporation* for a change in zoning of approximately 4.7 acres located on several city blocks northeast of the intersection of Stonewall and S. Church Streets, including a narrow strip on the north side of Stonewall between S. Tryon and S. College Streets from UMUD to UMUD-O.

The Zoning Committee found this petition to be consistent with the Center City 2010 Vision Plan (therefore reasonable and in the public interest) and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the Zoning Committee’s recommendation.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2004+Petitions/2004-129.htm>

3. **Petition No. 2006-05 (decision)** by *Paul L. Herndon* for a change in zoning of approximately 18.7 acres located east of Sandy Porter Road and south of West Arrowood Road from B-1(CD), O-2 (CD) & R-3 to O-2(CD) AND B-1(CD) SPA.

The Zoning Committee unanimously recommended a one-month **DEFERRAL** to work on outstanding site plan issues.

Staff agrees with the Zoning Committee’s recommendation.

Attachment No. 3

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

4. **Petition No. 2006-19 (decision)** by *Family Support Services, Inc.* for a change in zoning of approximately 9.8 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.

The Zoning Committee voted 4-2 to recommend this petition be re-advertised for a new public hearing.

Staff supports this petition even with the residential component. However, the discussion centered on the proposed residential component. Since the other existing uses were established in violation of the Zoning Ordinance and without any opportunity for public input, a new public hearing may be appropriate.

If Council determines that a new public hearing is not warranted, staff recommends approval of the revised petition.

Attachment No. 4

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

5. **Petition No. 2006-32 (decision)** by *Merrifield Partners, LLC* for a change in zoning of approximately 6.8 acres located southeast of Eastfield Road and west of Prosperity Church Road from R-3 to NS.

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

Staff disagrees with the Zoning Committee's recommendation as the North East District Plan recommends residential land uses up to 4 dwelling units per acre.

Attachment No. 5

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

6. **Petition No. 2006-54 (decision)** by *Neighboring Concepts* for a change in zoning of approximately 21.0 acres located north of the intersection of Freedom Drive and Thrift Road from I-2 to MUDD(CD).

The Zoning Committee found this petition to be consistent with the West Transit Corridor, the General Development Policies and the Transit Station Area Principles (therefore reasonable and in the public interest) and unanimously recommended **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/2006-054.htm>

7. **Petition No. 2006-63 (decision)** by *Provident Development Group, LLP* for a change in zoning of approximately 9.6 acres located north of the intersection of Mountain Island Drive West and Brookshire Boulevard from R-3(MIL-CA4) to R-8(CD)(MIL-CA4).

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. 7

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-063.htm>

8. **Petition No. 2006-64 (decision)** by *First Colony Land Development, LLC* for a change in zoning of approximately 5.4 acres located north of the intersection of Boyce Road and Sardis Road from R-3 to UR-2(CD).

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

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 Zoning Committee's recommendation.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-064.htm>

9. **Petition No. 2006-65 (decision)** by *Sarah Malinda Wallace* for a change in zoning of approximately 2.8 acres located west of the intersection of Carmel Road and Shadowlake Drive from R-3 to R-8(CD).

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 Zoning Committee's recommendation.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-065.htm>

10. **Petition No. 2006-66 (decision)** by *The Mount Zion Properties, LLC*. for a change in zoning of approximately 1.3 acres located north of Williams Road and west of E. W.T. Harris Boulevard from O-15(CD) TO O-2(CD).

The Zoning Committee found this petition to be consistent due to its proximity to the existing East Town Shopping Center and its existing zoning and unanimously recommended **APPROVAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-066.htm>

11. **Petition No. 2006-69 (decision)** by *Fairhills Development Group, LLC* for a change in zoning of approximately 5.2 acres located south of the intersection of Woodbine Lane and Park South Drive from R-3 to UR-1(CD).

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 as modified.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-069.htm>

12. **Petition No. 2006-70 (decision)** by *North Mecklenburg Properties, LLC* for a change in zoning of approximately 0.55 acres located northeast corner of the intersection of Hovis Road and Salem Church Road from I-2 to I-1.

The Zoning Committee found this petition to be consistent with the Thomasboro/Hoskins Area Plan (therefore reasonable and in the public interest) and unanimously recommended **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/2006-070.htm>

HEARINGS

13. **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***

No valid protests for this petition exist at this time.

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

Attachment 13

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

14. **Petition No. 2006-47 (hearing).** Change in zoning from I-1 to I-2(CD) for approximately 5.1 acres located north of Transport Drive and west of Sidney Circle. ***Petitioner: Jeffery Epstein***

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

Attachment 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-047.htm>

15. **Petition No. 2006-53 (hearing).** Change in zoning from B-1 and O-2 to MUDD-O for approximately 4.8 acres located at the intersection of Colony Road and Selwyn Avenue. ***Petitioner: Manor House Investment Company, LLC***

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 No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-053.htm>

16. **Petition No. 2006-55 (hearing).** Change in zoning from UMUD to UMUD-O for approximately 0.35 acres located on the northwest corner of North Pine Street and West 5th Street. ***Petitioner: The VUE Charlotte, LLC***

Staff recommends approval of this petition.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-055.htm>

17. **Petition No. 2006-59 (hearing).** Change in zoning from R-3 to BD(CD) for approximately 5.6 acres located east of the intersection of Annalexa Lane and Ballantyne Commons Parkway. *Petitioner: Self Storage Development, LLC*

Staff does not support this petition due to inconsistencies with the Providence Road/I-485 Area Plan Update and the incompatibilities with the surrounding residential uses.

Attachment No. 17

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

18. **Petition No. 2006-60 (hearing).** Change in zoning from B-1(CD), O-1(CD), R-4 and R-3 (LWPA) to NS and B-D(CD) (LWPA) for approximately 120.0 acres located north of the intersection of Brookshire Boulevard and Interstate - 485. *Petitioner: Withrow Capital Investments, LLC & Cambridge Properties, Inc.*

A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule. A second protest petition has been filed, sufficiency to be determined.

Petitioner is requesting a one-month deferral of this petition.

Staff recommends a one-month deferral of this petition to allow further review of the revised traffic impact study.

Attachment No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-060.htm>

19. **Petition No. 2006-61 (hearing).** Change in zoning from R-3 to R-8MF(CD) for approximately 19.2 acres located north of York Road and west of Greybriar Forest Lane. *Petitioner: Mike Parks of Tryon Coastal Ventures*

Staff recommends approval of this petition.

Attachment No. 19

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-061.htm>

20. **Petition No. 2006-62 (hearing).** Change in zoning from B-2PED to B-2PED-O for approximately 0.22 acres located southwest of the intersection of Central Avenue and The Plaza. *Petitioner: Wachovia Corporation, NA*

Petitioner is requesting a withdrawal of this petition.

Staff recommends denial of this petition.

Attachment No. 20

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-062.htm>

21. **Petition No. 2006-71 (hearing).** Change in zoning from R-5 to UR-1(CD) for approximately 1.3 acres located northwest of the intersection on N. McDowell and E. 35th Streets. **Petitioner: North Davidson Partners, LLC**

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

Attachment No. 21

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-071.htm>

22. **Petition No. 2006-72 (hearing).** Change in zoning from R-3 to R-8(CD) for approximately 4.1 acres located on Rumble Road about ½ mile northeast of Intersection of Graham Street and W. Sugar Creek Road. **Petitioner: PCNC**

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/2006-072.htm>

23. **Petition No. 2006-73 (hearing).** Change in zoning from R-5 to UR-2(CD) for approximately 0.90 acres located on Belle Terre Avenue west of Thomas Avenue and south of Kennon Street. **Petitioner: Project Innovations, LLC**

Staff recommends denial of this petition.

Attachment No. 23

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-073.htm>

24. **Petition No. 2006-074 (hearing).** Change in zoning from O-3(CD) to MUDD(CD) for approximately 1.9 acres located on the south side of Fairview Road between Park South Drive and JA Jones Drive. **Petitioner: Fairview Plaza Associates, LP**

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/2006-074.htm>

25. **Petition No. 2006-75 (hearing).** Change in zoning from R-5 to MUDD-O for approximately 0.58 acres located on the corner west of Providence Road and north of Hermitage Court. ***Petitioner: Southeast Resort Investment Partners, LLC***

Petitioner is requesting a one-month deferral of this petition.

Staff recommends a one-month deferral of this petition to allow the Historic District Commission time to review.

Attachment No. 25

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

26. **Petition No. 2006-76 (hearing).** Change in zoning from R-3 to MX-2 (Innovative) for approximately 15.8 acres located on the southeast side of McKee Road south of Kuykendall Road and abutting I-485 on its southeast. ***Petitioner: LandMark Llewellyn Holdings, LLC***

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/2006-076.htm>

27. **Petition No. 2006-77 (hearing).** Change in zoning from R-4 to UR-1(CD) for approximately 3.6 acres located on the west side of Little Hope Road south of Marsh Road. ***Petitioner: Modern Dwellings, LLC***

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/2006-077.htm>

28. **Petition No. 2006-78 (hearing).** Change in zoning from R-3, MX-1, CC, BP and O-2(CD) (LLW-CA, LLWPA) to CC, CC SPA, BP SPA, MX-1, O-2(CD) and O-2(CD) SPA (LLWCA, LLWPA) for approximately 314.2 acres located west of Steele Creek Road south of Dixie River Road, mostly north of Shopton Road West. ***Petitioner: Pappas Properties, LLC***

Staff recommends approval of this petition upon resolution of outstanding site plan issues and the submittal of an administrative approval reducing the allowable units and the retail, office and business park square footage.

Attachment No. 28

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-078.htm>

29. **Petition No. 2006-79 (hearing).** Change in zoning from MX-1 LLWCA to R-3 LLWCA for approximately 2.8 acres located on Windygap Road and fronting Lake Wylie. **Petitioner: Pappas Properties, LLC**

Staff recommends approval of this petition.

Attachment No. 29

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-079.htm>

30. **Petition No. 2006-80 (hearing).** Change in zoning from R-3 to INST(CD) for approximately 4.7 acres located on the east side of Steele Creek Road south of Huntington Meadow Lane. **Petitioner: Steele Creek Masonic Lodge**

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

Attachment No. 30

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-080.htm>

31. **Petition No. 2006-81 (hearing).** Change in zoning from R-3 to NS for approximately 6.7 acres located south of Williams Pond Lane between Elm Lane and Rea Road. **Petitioner: Pembroke Partners Limited Partnership**

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/2006-081.htm>

32. **Petition No. 2006-82 (hearing).** Change in zoning from O-1(CD) to O-1(CD)SPA for approximately 2.5 acres located on the north side of Mallard Oaks Drive west of John Adams Road. **Petitioner: Value Place, LLC**

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

Attachment No. 32

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-082.htm>

33. **Petition No. 2006-83 (hearing).** Change in zoning from O-1 to MUDD(CD) for approximately 6.2 acres located on the east side of Park Road south of Mockingbird Lane. **Petitioner: Pfeiffer University**

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

Attachment No. 33

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-083.htm>

34. **Petition No. 2006-84 (hearing).** Change in zoning from R-3 LWCA to I-1(CD) LWCA for approximately 3.1 acres located on the north side of Wilkinson Boulevard east of Moores Chapel Road. *Petitioner: CK Catawba, LLC*

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/2006-084.htm>

35. **Petition No. 2006-86 (hearing).** Change in zoning from B-2(CD) to B-2(CD) SPA for approximately 5.0 acres located on the northeast corner of N. Tryon Street and Northchase Drive. *Petitioner: D.C.M. Properties, LLC*

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/2006-086.htm>

36. **Petition No. 2006-67 (hearing).** Consideration of a text amendment to the City of Charlotte Zoning Ordinance to add new requirements for landscape screening on residential reverse frontage lots along major and minor thoroughfares, as well as along major collectors that function as a minor arterial, whether or not they are on the thoroughfare maps. The screening will provide a visual screen between the use and the street which will not provide direct vehicular access. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 36

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

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