

Mayor Patrick L. McCrory   Mayor Pro Tem Susan Burgess

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Patsy Kinsey

John W. Lassiter

Don Lochman

James E. Mitchell, Jr.

Patrick Mumford

Warren Turner

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## ***CITY COUNCIL ZONING AGENDA***

***Monday, March 19, 2007***

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

**6:00PM – Zoning Decisions/Hearings  
Meeting Chamber**

### ***DINNER MEETING***

- ***Review of Agenda – Keith MacVean***
- ***Discuss TOD implementation process – Debra Campbell***
- ***Upcoming zoning petitions – Debra Campbell***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT  
[www.rezoning.org](http://www.rezoning.org)**

## ***DECISIONS***

1. (A) Hearing to consider designation of the property known as the “**Coffee Cup Soda Grill**” (listed under Tax Parcel Number 07325209 and including the exterior of the café building, and a .10 acre parcel of land shown as “Exhibit A” and listed under Tax Parcel Number 07325209 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of January 1, 2007). The property is owned by Beazer Homes Corporation and is located at 914 South Clarkson Street in the City of Charlotte, North Carolina.
  
- (B) Adopt an ordinance designating the “**Coffee Cup Soda Grill**” as a Historic Landmark.

Attachment 1

**Deferral  
(two months)**

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.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

3. **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 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 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.
  - Areas used for storage of materials will be included in determining the percentage of the structure devoted to the customary home occupation.
  - Existing home occupation permits will be grandfathered.
  - Construction or landscaping equipment and materials are not permitted, with the exception of a single trailer with a cargo area/work platform not over 14’ in length, attached to a vehicle can be stored overnight, but no construction equipment can be stored on the trailer.
  - No detached signs or wall signs are permitted.
  - Clients shall be by appointment only.
  - 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.
  - Examples of permitted and prohibited home occupations are listed.

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

**Deferral  
(one month)**

- 4. **Petition No. 2006-136 (decision) by Richard T. Wynn** for a change in zoning for approximately 3.8 acres located on Coatbridge Lane south of McLaughlin Drive from R-3 to R-8(CD).

**Protest  
(sufficient)**

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

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 4

- 5. **Petition No. 2007-04 (decision) by Freedom House Church** for a change in zoning of approximately 26.63 acres located on the east side of Salome Church Road south of Mallard Creek Road from R-3 to INST(CD).

The Zoning Committee found this petition to be consistent with the North East District Plan and therefore, to be reasonable and in the public interest and unanimously recommended **APPROVAL** of the petition provided that all CDOT and buffer fencing issues are resolved prior to the final vote by City Council.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

- 6. **Petition No. 2007-05 (decision) by Hulme Repairs, LLC** for a change in zoning of approximately 2.59 acres located on the southeast corner of East Woodlawn Road and Rockford Court from R-4 to UR-2(CD).

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

- Sidewalks will be added from the front doors of the units to the internal sidewalk system.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 6

7. **Petition No. 2007-06 (decision) by York Development Group** for a change in zoning of approximately 2.83 acres located on the west side of Carowinds Boulevard south of South Tryon Street from I-1 to NS.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 7

8. **Petition No. 2007-10 (decision) by Reed Enterprises of CLT** for a change in zoning of approximately 17.06 acres located east of East W.T. Harris Boulevard at the end of Rockmoor Ridge Road from R-3 to MX-2.

The Zoning Committee unanimously found this petition to be consistent with the *Eastside Strategy Plan*. The Committee voted 6-1 and found the petition, to be reasonable and in the public interest. The Committee voted 4-3 to recommend **APPROVAL** of this petition.

Staff disagrees with the majority of the Zoning Committee and believes this petition should be denied unless the site plan is revised to show compliance with the subdivision ordinance.

Attachment 8

9. **Petition No. 2007-14 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning of approximately 0.65 acres located on the west side of South Boulevard between East Park Avenue and East Kingston Avenue from B-1 to TOD-M.

The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan* and 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. 2007-15 (decision) by Trinity Partners** for a change in zoning of approximately 2.29 acres located on the north side of Morrison Boulevard between Adair Court and Roxborough Road from B-1SCD to O-3(CD).

The Zoning Committee found this petition to be consistent with the *South Park Small Area Plan* and 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 10

11. **Petition No. 2007-16 (decision) by Linder Industrial Machine Company** for a change in zoning of approximately 10.56 acres located on the southeast corner of Old Statesville Road and Gibbon Road from B-2(CD) to I-2(CD).

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

Staff disagrees with the recommendation of the Zoning Committee. The North East District Plan recommends retail uses for the petition site. In addition, tree save areas should be increased and the buffer reductions should be eliminated.

Attachment 11

12. **Petition No. 2007-19 (decision) by Etalon, LLC** for a change in zoning of approximately 24.59 acres located on the west side of Strawberry Lane, south of Pineville-Matthews Road from R-3 to MX-1.

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

Staff disagrees with the recommendation of the Zoning Committee. The subdivision ordinance requires a second access point “where feasible.” Staff maintains that a second access is feasible and the note reserving the right to seek a variance to remove the access should be removed from the site plan. The petitioner should also continue to work with Storm Water Services to address water quality and water quantity concerns.

Attachment 12

13. **Petition No. 2007-20 (decision) by James Knuckles, LLC** for a change in zoning of approximately 2.80 acres located on the south side of General Industrial Road, south of Old Concord Road from I-1(CD) to I-2(CD).

The Zoning Committee found this petition to be consistent with the *Northeast District Plan* and 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. 2007-28 (decision) by The Boulevard at Church and Bland, LLC** for a change in zoning of approximately 3.34 acres located on the north side of West Bland Street between Winnifred Street and South Church Street from MUDD to TOD-MO.

The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan* and 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 14

## ***HEARINGS***

**Deferral  
(one month)**

- **Petition No. 2007-02 (hearing)**. Change in zoning from R-22MF to R-8 of 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*

Please note, this petition was to go to hearing in March, but the Planning Staff is requesting an additional one-month deferral.

**Deferral  
(two months)**

15. **Petition No. 2006-140 (hearing)**. Change in zoning from R-3 to NS of approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road. *Petitioner: Floride M. Huggins and Gloria H. Phillips*

**Protest  
(sufficient)**

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

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

Staff recommends a two-month deferral of this petition.

Attachment 15

**Deferral**

16. **Petition No. 2006-142 (hearing)**. Change in zoning from INST(CD) to INST(CD)SPA of

- (one month)** approximately 19.3 acres located on the south side of Choate Circle west of Moss Road. *Petitioner: Gordon-Conwell Theological Seminary*
- Petitioner is requesting a one-month deferral of this petition.
- Staff recommends a one-month deferral of this petition.
- Attachment 16
- Deferral (one month)** 17. **Petition No. 2007-11 (hearing).** Change in zoning from R-3 to R-8MF(CD) of approximately 22.04 acres located on the south side of Eastfield Road north of Foggy Meadow Road. *Petitioner: Coastal Ventures, LLC*
- Protests (sufficient)** *Two protest petitions have been filed and are sufficient to invoke ¾ majority-voting rule.*
- Staff recommends a one-month deferral of this petition due to an amended application and added acreage.
- Attachment 17
18. **Petition No. 2007-17 (hearing).** Change in zoning from R-3 to MX-2 of approximately 18.43 acres located on the southeast corner of Providence Road West and Old Ardrey Kell Road. *Petitioner: The McAlpine Group, LLC*
- Staff recommends denial of this petition.
- Attachment 18
19. **Petition No. 2007-18 (hearing).** Change in zoning from R-4 and I-1 to B-2(CD) of approximately 5.48 acres located on the northwest corner of Brookshire Boulevard and Oakdale Road. *Petitioner: Robert Spivey*
- Staff recommends approval of this petition upon resolution of outstanding site plan issues.
- Attachment 19
20. **Petition No. 2007-21 (hearing).** Change in zoning from MUDD-O to MUDD-O SPA of approximately 87.35 acres located on Ayrsley Town Boulevard east of South Tryon Street and west of Interstate 485. *Petitioner: Thomas Henson*
- Staff recommends approval of this petition upon resolution of outstanding site plan issues.
- Attachment 20
21. **Petition No. 2007-22 (hearing).** Change in zoning from I-1(CD) to I-1(CD)SPA of

approximately 1.27 acres located on the west side of South Tryon Street between Yancey Road and Orchard Circle. *Petitioner: Diamond Point Properties*

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

Attachment 21

22. **Petition No. 2007-25 (hearing)**. Change in zoning from B-1SCD to B-1 of approximately 0.71 acres located on the northeast corner of South Tryon Street and West Arrowood Road. *Petitioner: Tribek Properties*

Staff recommends approval of this petition.

Attachment 22

23. **Petition No. 2007-26 (hearing)**. Change in zoning from R-I and R-3 to INST of approximately 29.11 acres located on the west side of East W.T. Harris Boulevard, south of Hickory Grove Road. *Petitioner: Hickory Grove Baptist Church*

Staff recommends approval of this petition.

Attachment 23

24. **Petition No. 2007-29 (hearing)**. Change in zoning from CC to CC SPA of approximately 14.63 acres located on Smith Corners Boulevard, northeast of the West W.T. Harris Boulevard / Interstate 77 Interchange. *Petitioner: CentDev Northlake, LLC*

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

Attachment 24

**Deferral  
(one month)  
(no community  
meeting report)**

25. **Petition No. 2007-30 (hearing)**. Change in zoning from R-5 to MUDD-O of approximately 0.29 acres located on the north side of Woodcrest Avenue between South Tryon Street and South Mint Street. *Petitioner: Adam Rappaport and Louise F. Shackelford*

Staff recommends a one month deferral of this petition to allow petitioner to hold a community meeting.

Attachment 25

26. **Petition No. 2007-31 (hearing)**. Change in zoning from R-17MF to NS of approximately

4.4 acres located on the northeast corner of West Sugar Creek Road and Mineral Springs Road. *Petitioner: Tribek Properties*

Staff recommends denial of this petition.

Attachment 26

27. **Petition No. 2007-32 (hearing)**. Change in zoning from MUDD-O to R-12MF(CD) of approximately 8.85 acres located on the northeast corner of West Mallard Creek Church Road and Senator Royall Drive. *Petitioner: Beazer Homes Corporation*

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

Attachment 27

28. **Petition No. 2007-33 (hearing)**. Change in zoning from CC to CC SPA of approximately 15.80 acres located on the northeast corner of Ardrey Kell Road and Rea Road. *Petitioner: Crosland, Inc.*

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

Attachment 28

**Deferral  
(one month)  
(no community  
meeting report)**

29. **Petition No. 2007-35 (hearing)**. Change in zoning from O-1 to B-1(CD) of approximately 6.78 acres located on the north side of Albemarle Road between North Sharon Amity Road and Central Avenue. *Petitioner: June Allen*

Staff recommends a one month deferral of this petition due to the lack of a community meeting report.

Attachment 29

30. **Petition No. 2007-36 (hearing)**. Change in zoning from I-1(CD) and R-4 to I-1(CD) and I-1(CD) SPA of approximately 15.92 acres located on the southwest corner of Cindy Lane and Hutchinson-McDonald Road. *Petitioner: Cindy Lane Associates Limited Partnership*

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

Attachment 30

31. **Petition No. 2007-39 (hearing)**. Change in zoning from MX-3(Innovative)(LWPA) to MX-

3(Innovative)SPA(LWPA) of approximately 50.01 acres located south of Belmeade Drive, about one mile south of Mount Holly Road. ***Petitioner: Charlotte-Mecklenburg Planning Commission***

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

Attachment 31

32. **Petition No. 2007-27 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to modify the Administrative Amendment process by adding authorization for the Planning Commission to hear appeals to such amendments.

Modifications also include a list of 9 types of significant changes to an approved site plan that can not be considered through an administrative amendment process.

Changes have also been made on how approvals are handled based upon whether the original petition had a valid protest petition filed or not. If an administrative amendment is approved to a site plan that had a valid protest petition filed on the original petition, then written notification of the decision shall be sent to adjacent property owners (within 300'), neighborhood organizations (within one mile), and a sign shall be posted on the property announcing the approval. Adjacent property owners within 100' have the right to file an appeal within 21 days from the date of the written notification.

If an administrative amendment is approved without a valid protest petition, then no written notice will be sent, but adjacent property owners within 100' shall have the right to file an appeal within 21 days of the date of the decision.

And if an administrative amendment is denied, then the applicant may appeal the decision within 21 days of the decision. Planning staff shall send written notice of the denial to adjacent property owners within 300' of the site.

***Petitioner: Charlotte-Mecklenburg Planning Commission***

Staff recommends approval of this petition.

Attachment 32

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