

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, May 15, 2006

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

6:00PM – Zoning Decisions/Hearings
Meeting Chamber

DINNER MEETING

Rezoning Update – May, June & July 2006
Debra Campbell, Planning Director

DECISIONS

1. **Petition No. 2006-05 (decision)** by *ACC Acquisitions, LLC* 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) and R-3 to B-1(CD), O-2(CD) and B-1(CD) SPA.

The Zoning Committee voted unanimously to recommend **30-day DEFERRAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 1

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

2. **Petition No. 2006-07 (decision)** by *Janette Skyers* for a change in zoning of approximately 2.1 acres located north of Frank Vance Road and west of Beatties Ford Road from R-3 to INST(CD).

A motion was made by Cooksey and seconded by Ratcliffe finding this petition to be consistent with the Northwest District Plan. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition as modified to reflect a maximum of 120 children.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 2

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-007.htm>

3. **Petition No. 2006-12 (decision)** by *Charlotte Mecklenburg Planning Commission* for a change in zoning of approximately 8.6 acres located west of South Boulevard and east of Youngblood Street from I-2 to TOD-M.

Upon a motion made by Cooksey and seconded by Howard the Zoning Committee unanimously found this petition to be consistent with the adopted plans.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-012.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.

Commissioner Sheild made a motion to find this petition consistent with the North East Area Plan. Commissioner Carter seconded the motion, which was approved unanimously.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- Building 1 will be used for administrative offices housing staff and office equipment.
- Building 2 will be used to provide supportive planning services, recreational activities.
- The new building will be owned by Family Support Services and managed by an independent management company and will be limited to senior housing.

Staff agrees with the Zoning Committee's recommendation.

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 voted unanimously to recommend **30-day DEFERRAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 5

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

6. **Petition No. 2006-37 (decision)** by *Charlotte Mecklenburg Planning Commission* for a change in zoning of approximately 1.6 acres located south of the intersection of West Brookshire Freeway and Interstate 77 from I-2 to I-2(CD) / with PED overlay

A motion was made by Howard and seconded by Ratcliffe finding this petition consistent with the West End Land Use and Pedscape Plan. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted unanimously to recommend **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/2006-037.htm>

7. **Petition No. 2006-39 (decision)** by *Alpine Village – Harvey Gouch* for a change in zoning of approximately 59.3 acres located south of Freedom Drive and east of Toddville Road from R-3, R-4 and R-17MF to MX-2(LLW-PA).

A motion was made by Cooksey and seconded by Howard finding this petition consistent with the General Development Policies. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition. (Commissioner Ratcliffe was excused due to a conflict of interest).

Staff disagrees with the recommendation of the Zoning Committee due to the fact the plan does not show compliance with subdivision regulations.

Attachment No. 7

<http://www.charneck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-039.htm>

8. **Petition No. 2006-44 (decision)** by *Merrifield Partners c/o George W. Macon* for a change in zoning of approximately 8.2 acres located west of Steele Creek Road and north of York Road from CC to CC(SPA).

Upon a motion made by Ratcliffe and seconded by Sheild, the Zoning Committee unanimously recommended approval of this petition as modified.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, based upon the following modifications:

- The sidewalk at the shopping center driveway will be extended further into the site with accessible ramps to the shopping center parking lot.
- Right-of-way radii at public street intersections will be a minimum of thirty-feet.
- For the sidewalk shown outside of the right-of-way, a sidewalk easement will be necessary and noted on the site plan.
- A note will be added to the plan that indicates the design of Public Street “A” is subject to further review/modification by CDOT and the NCDOT during the subdivision process.

Staff agrees with the Zoning Committee’s recommendation.

Attachment No. 8

<http://www.charneck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-044.htm>

9. **Petition No. 2006-50 (decision)** by *FCD-Development, LLC* for a change in zoning of approximately 18.8 acres located southwest of the intersection of East Independence Boulevard and Pierson Drive from B-2 and R-5 to CC.

A motion was made by Sheild and seconded by Cooksey finding this petition consistent with the East District Plan and the transit station area plan. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The petition will provide \$25,000 toward traffic calming measures in the adjoining neighborhoods.
- The petitioner will provide \$75,000 toward the construction of sidewalks in the adjoining neighborhood within ¼ mile of the site.
- The petitioner has agreed to provide water quality treatments and storm water detention measures for the perimeter of the site.

Staff disagrees with the Zoning Committee's recommendation due to the fact the remaining issues have not been resolved.

Attachment No. 9

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-050.htm>

10. **Petition No. 2006-52 (decision)** by *GVA Lat Purser & Associates, Inc.* for a change in zoning of approximately 7.1 acres located north of Bevington Place and west of Rea Road from R-1(CD) to NS.

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

A motion was made by Mr. Howard, seconded by Mr. Ratcliffe that this petition was consistent with adopted plans and policies. The motion passed 7-0.

The Zoning Committee voted unanimously to recommend **APPROVAL**, with the following modifications:

- The "storage" space must be included for parking calculations or deleted.
- The existing sidewalk on Bevington Place may remain per the Zoning Administrator.
- A bus pad (with easement if necessary) will be constructed on Rea Road.
- The drug store/bank will be labeled "freestanding" and a note added that the drive-thru must be to the interior side of the building.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-052.htm>

11. **Petition No. 2006-56 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to classify zoning districts as to whether they are residential or non-residential. These classifications are used when determining separation distances from residential zoning districts.

Upon a motion made by Cooksey and seconded by Carter, the Zoning Committee voted unanimously in finding this amendment consistent with the powers granted the City of Charlotte under state and local law.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Staff agrees with the Zoning Committee's recommendation.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-056.htm>

12. **Petition No. 2006-58 (decision)** by *NC Golf Homes of Locust* for a change in zoning of approximately 2.9 acres located west of Interstate 85 and north of Tuckaseegee Road from I-1 to INST(CD).

A motion was made by Cooksey and seconded by Howard finding this petition consistent with the General Development Policies. The Zoning Committee unanimously approved this motion.

The Zoning Committee voted unanimously to recommend **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/2006-058.htm>

HEARINGS

13. Approve a resolution setting a public hearing for June 19, 2006 at 6:00 PM on the question of historic designation of the "**The City House**" and land as an Historic Landmark.

Attachment 13

14. Approve a resolution setting a public hearing for June 19, 2006 at 6:00 PM on the question of historic designation of the "**Siloam Schoolhouse**" and land as an Historic Landmark.

Attachment 14

15. **Petition No. 2004-129 (hearing).** Change in zoning from UMUD to UMUD-O for 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. *Petitioner: RBC Corporation*

Staff recommends approval of this petition upon definition and resolution of specific options being requested and resolution of outstanding site plan issues.

Attachment No. 15

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

16. **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. Three protest petitions have been filed: two are sufficient to invoke $\frac{3}{4}$ majority-voting rule, one of which was subsequently withdrawn, the third is not sufficient to invoke the $\frac{3}{4}$ majority-voting rule.

Staff recommends a one-month deferral of this petition to allow the petitioner time to file the traffic impact study.

Attachment No. 16

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

17. **Petition No. 2006-54 (hearing).** Change in zoning from I-2 to MUDD(CD) for approximately 21 acres located north of the intersection of Freedom Drive and Thrift Road. *Petitioner: Neighboring Concepts*

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

Attachment No. 17

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-054.htm>

18. **Petition No. 2006-57 (hearing).** Change in zoning from R-5 to O-1(CD) for approximately 2.2 acres located north of Billingsley Road and west of Ellington Street. *Petitioner: Mecklenburg County Real Estate Service*

Staff recommends a deferral of this petition until the September meeting to allow for completion of condemnation proceedings already in progress against one partial owner.

Attachment No. 18

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

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

Staff recommends denial of this petition.

Attachment No. 19

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

20. **Petition No. 2006-63 (hearing).** Change in the zoning from R-3 (MIL-CA4) to R-8(CD) (MIL-CA4) for approximately 9.6 acres located north of the intersection of Mountain Island Drive West and Brookshire Boulevard. *Petitioner: Provident Development Group, LLC*

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

Attachment No. 20

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

21. **Petition No. 2006-64 (hearing).** Change in zoning from R-3 to UR-2(CD) for approximately 5.4 acres located north of the intersection of Boyce Road and Sardis Road. *Petitioner: First Colony Land Development, LLC*

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

Attachment No. 21

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

22. **Petition No. 2006-65 (hearing).** Change in zoning from R-3 to R-8(CD) for approximately 2.8 acres located west of the intersection of Carmel Road and Shadowlake Drive. *Petitioner: Sarah Malinda Wallace*

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

Attachment No. 22

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

23. **Petition No. 2006-066 (hearing).** Change in zoning from O-15(CD) to O-2(CD) for approximately 1.3 acres located north of Williams Road and west of East W.T. Harris Boulevard. *Petitioner: The Mount Zion Properties, LLC*

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

Attachment No. 23

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

24. **Petition No. 2006-69 (hearing).** Change in zoning from R-3 to UR-1(CD) for approximately 5.2 acres located south of the intersection of Woodbine Lane and Park South Drive. *Petitioner: Fairhills Development Group, LLC*

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

Attachment No. 24

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

25. **Petition No. 2006-70 (hearing).** Change in zoning from I-2 to I-1 for approximately 0.55 acres located northeast corner of the intersection of Hovis Road and Salem Church Road, just west of Brookshire Boulevard. *Petitioner: North Mecklenburg Properties, LLC*

Staff recommends approval of this petition.

Attachment No. 25

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-070.htm>

26. **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 a one-month deferral of this petition to continue working with industry representatives.

Attachment No. 26

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

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