

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***  
***Wednesday, October 18, 2006***

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

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

***DINNER MEETING***

- ***Review of Agenda – Tammie Keplinger / Tom Drake***

## ***DECISIONS***

1. (A) Hearing to consider designation of the property known as the **“White Oak Plantation”** (listed under Tax Parcel Numbers 11136293 and 11136292 as of August 1, 2006, and including all buildings and the parcels of land listed under Tax Parcel Numbers 11136293 and 11136292 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of August 1, 2006). The property is owned by James and Patricia Munro and is located along Hood Road in Mecklenburg County, North Carolina.

(B) Adopt an ordinance designating the **“White Oak Plantation”** as a Historic Landmark.

Attachment 1

2. (A) Hearing to consider designation of the property known as the **“City House”** (listed under Tax Parcel Number 12308401 and including the interior and the exterior of the house, and the parcel of land listed under Tax Parcel Number 12308401 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of August 1, 2006). The property is owned by Ivan T. Beach and Cherie Beach and is located at 500 East Kingston Avenue in the City of Charlotte, Mecklenburg County, North Carolina.

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

Attachment 2

3. **Petition No. 2006-45 (decision)** by *George Sheild, Trevi Partners, LLC* for a change in zoning of approximately 68.9 acres located on the east side of US Highway 29 near the intersection of US 29 and Caprington Avenue from O-1(CD) and R-3 to CC.

The Zoning Committee found this petition to be consistent with the North East Area Plan and unanimously recommended **APPROVAL** of this petition with the following modifications. (Commissioner Shield was excused due to a potential conflict of interest.)

- Any health/ indoor recreation facility will be limited to 10,000 square feet.
- The pedestrian/bike trail along the creek and bike path in the Duke right-of-way will be constructed.
- Access easements will be provided for CATS busses and roads will be constructed to carry the busses.
- 50% of the cost of bridging the creek with the two public streets will be contributed to the City prior to issuance of any certificates of occupancy for multi-family residences.
- BMP’s will be constructed in accordance with design standards in place at the time of construction.
- Internal buffers will be provided between residential areas and commercial service areas. Parapet walls will also be utilized.
- The setback along US 29 will maintain existing trees and plant a double row of trees where none currently exist.
- Several architectural commitments, as detailed in a letter from petitioner’s agent, dated September 18, 2006, are incorporated into the site plan.

- The storm water note will be modified to conform to Storm Water Services requested language.
- The multi-family residential will be owner occupied, not rental apartments.
- The petitioner will continue to work with CDOT to determine development phasing based upon transportation improvements. If the phasing is not agreed upon by October 11<sup>th</sup>, petitioners will request a one-month deferral of the decision.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 3

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-045.htm>

4. **Petition No. 2006-57 (decision)** by *Mecklenburg County Real Estate Service* for a change in zoning of approximately 2.2 acres located north of Billingsley Road and west of Ellington Street from R-5 to O-1(CD).

The Zoning Committee found this petition inconsistent with the Grier Heights Special Project Plan and the Grier Heights Action Plan but reasonable and in the public interest. The Committee unanimously recommended **APPROVAL** of this petition based upon the following modifications:

- A new five-foot sidewalk will be constructed behind an eight-foot planting strip along Ellington Street.
- Large maturing street trees will be planted 40 feet on-center in the above planting strip.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 4

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

5. **Petition No. 2006-72 (decision)** by *PCNC* for a change in zoning of approximately 5.6 acres located on Rumble Road about ½ mile northeast of intersection of Graham Street and W. Sugar Creek Road from R-3 to UR-2(CD).

The Zoning Committee found this petition consistent with the North East District Plan and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 5

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-072.htm>

6. **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 and unanimously recommended **APPROVAL** of this petition with the following modifications:

- A driveway for the existing duplex will be added along the Hermitage Court frontage; and
- Access to the site will be allowed via Providence Road or the existing alley that abuts the property to the rear provided it has not been abandoned.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 6

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

7. **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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 7

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

8. **Petition No. 2006-97 (decision)** by *Center City Controlled Storage, LLC* for a change in zoning of approximately 2.1 acres located on the west side of N. Davidson Street between E. 15<sup>th</sup> Street and E. 16<sup>th</sup> Street from I-2 to MUDD(CD).

The Zoning Committee found this petition to be consistent with the Optimist Park Small Area Plan and unanimously recommend **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 8

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-097.htm>

9. **Petition No. 2006-101 (decision)** by *The Boulevard Company* for a change in zoning of approximately 1.3 acres located on the south side of W. 6<sup>th</sup> Street between N. Sycamore and N. Irwin Avenue from UR-2 to UR-3.

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. 9

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

10. **Petition No. 2006-102 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 0.69 acres located on the north side of West Boulevard east of Hawkins Street from B-1 to TOD-M.

The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 10

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-102.htm>

11. **Petition No. 2006-103 (decision)** by *Kilburn Commercial Properties* for a change in zoning of approximately 3.3 acres located south of Moores Chapel Road and east of Cedarvale Road from R-3 LWPA to I-1(CD) LWPA.

The Zoning Committee found this petition to be consistent with the South West District Plan and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 11

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-103.htm>

12. **Petition No. 2006-104 (decision)** by *Don Henderson* for a change in zoning of approximately 7.3 acres located on the north side of McLean Road west of Middle Acres Road from R-3 to R-4(CD).

*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 Rocky River Area Plan and the General Development Policies Design Criteria and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 12

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-104.htm>

13. **Petition No. 2006-105 (decision)** by *Atlantic Realty Partners, Inc.* for a change in zoning of approximately 4.16 acres located on the west side of South Boulevard in the vicinity of Meacham Street from I-2 to TOD-M.

The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 13

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-105.htm>

14. **Petition No. 2006-111 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Subdivision Ordinance to add a new definition for “building envelope”.

A building envelope is defined as a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed. In addition, regulations have been added requiring the building envelope to be sufficient in size to meet the Minimum Housing Code.

Currently, the Zoning Ordinance has no regulations that address when a final plat is to be recorded. This text amendment would amend the final plat requirements of Section 6.600 such that the final plat must be recorded within 120 days of the final approval date.

This text amendment would also remove the Secretary of the Planning Commission as having the authority to approve a final plat.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 14

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-111.htm>

15. **Petition No. 2006-114 (decision)** by *Elliot Cox* for a change in zoning of approximately 0.2 acres located on the south side of Warp Street between Herrin Avenue and Donatello Avenue from I-2 to R-5.

The Zoning Committee found this petition to be consistent with the North Charlotte Plan and the Central District Plan and unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 15

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-114.htm>

16. **Petition No. 2006-115 (decision)** by *Charlotte-Mecklenburg Planning Commission* for a change in zoning of approximately 2 acres located east of South Tryon Street between W. Park Avenue and W. 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 unanimously recommended **APPROVAL** of the petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 16

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-115.htm>

17. **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. 17

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

18. **Petition No. 2006-117 (decision)** by *Charlotte-Mecklenburg Planning Commission* for adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow certain portions of the required rear yard of duplex, triples, and multi-family dwellings to be utilized for attached garages, porches, decks, greenhouses, covered patios and utility room extensions of the principal structure, with limits. This is currently only allowed for single-family structures.

The Zoning Committee found this petition 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 No. 18

<http://www.charmeck.org/Departments/Planning/Rezoning/Rezoning+Petitions/2006+Petitions/2006-117.htm>

19. **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 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.
- 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 unanimously recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment No. 19

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

## ***HEARINGS***

20. **Petition No. 2005-46 (hearing).** Change in zoning from I-1 to I-2(CD) for approximately 7.4 acres located on the east side of Nations Ford Road, south of Interstate 485. ***Petitioner: Coogan's General Contracting Company***

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

Attachment No. 20

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

21. **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 @ 1500 South Church, LLC***

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

Attachment No. 21

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

22. **Petition No. 2006-107 (hearing).** Change in zoning from R-8 to UR-2(CD) for approximately 1.3 acres located on the southwest corner of S. Bruns Avenue and Sumter Avenue. **Petitioner: Neighbors Restorations, LLC**

Petitioner is requesting a one-month deferral.

Staff recommends denial of this petition.

Attachment No. 22

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

23. **Petition No. 2006-108 (hearing).** Change in zoning from R-3 to MX-2(Innovative) for approximately 78 acres located east of Johnston Road and north of N. Community House Road and Endhaven Lane. **Petitioner: Centex Homes**

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/2006-108.htm>

24. **Petition No. 2006-109 (hearing).** Change in zoning from R-3 and UR-C(CD) to INST(CD) and UR-C(CD) SPA for approximately 4.3 acres located on Community House Road between Providence Road West and Dickie Ross Road. **Petitioner: Parks Hunter**

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/2006-109.htm>

25. **Petition No. 2006-110 (hearing).** Change in zoning from R-5 to R-8(CD) for approximately 0.48 acres located on the southeast corner of Downs Avenue and Farley Street. **Petitioner: Gary Looby**

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/2006-110.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. 2006-120 (hearing).** Change in zoning from TOD-M to TOD-M(O) for approximately 0.89 acres located on the north side of W. Tremont Avenue west of Hawkins Street. **Petitioner: Southend Associates, 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/2006-120.htm>

28. **Petition No. 2006-121 (hearing).** Change in zoning from R-4 to I-1(CD) for approximately 2.4 acres located on the northeast corner of N. Graham Street and Oneida Road. **Petitioner: Janet Lynn Bickett and John Earls**

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/2006-121.htm>

29. **Petition No. 2006-124 (hearing).** Change in zoning from I-1, I-2 and I-2(CD) to I-2(CD) for approximately 8.6 acres located on Statesville Road north of Spector Drive. **Petitioner: Robert Dancy & Bob Hogan**

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/2006-124.htm>

30. **Petition No. 2006-128 (hearing).** Change in zoning from R-5 to MUDD(CD) for approximately 0.80 acres located on Ideal Way between Euclid Avenue and Marshall Place. **Petitioner: Blue Sky Partners, LLC**

Staff recommends denial of this petition.

Attachment No. 30

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

31. **Petition No. 2006-129 (hearing).** Change in zoning from B-2 to MUDD-O for approximately 1.2 acres located on the north side of Ideal Way between S. Boulevard and Euclid Avenue. *Petitioner: Blue Sky Partners, LLC*

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/2006-130.htm>

32. **Petition No. 2006-130 (hearing).** Change in zoning from R-17 MF and R-15MF(CD) to R-17MF(CD) for approximately 10.1 acres located on the south side of Hickory Grove Road at the intersection of Hickory Grove Road and Shamrock Drive. *Petitioner: Balmar Development Corporation*

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/2006-130.htm>

33. **Petition No. 2006-131 (hearing).** Change in zoning from B-1, O-1 and O-2 to MUDD for approximately 23.3 acres located on Archdale Drive and Farmhurst Drive east of Interstate 77. *Petitioner: Catellus Group, LLC*

Staff recommends denial of this petition.

Attachment No. 33

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

34. **Petition No. 2006-133 (hearing).** Change in zoning from B-1 to MUDD(CD) for approximately 0.60 acres located on the north side of Central Avenue across from Westover Street. *Petitioner: Foothills Capital, 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/2006-133.htm>

35. **Petition No. 2006-139 (hearing).** Change in zoning from NS to NS SPA for approximately 4.8 acres located on the east side of Driwood Court between Mallard Creek Road and Prosperity Church Road. *Petitioner: David M. Campbell*

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/2006-139.htm>

36. **Petition No. 2006-145 (hearing).** Change in zoning from R-8MF(CD) to R-3 for approximately 6 acres located on the east side of Weddington Road south of Simfield Church Road. *Petitioner: Learning Investors, LLC c/o George J. Couchell*

Staff recommends approval of this petition.

Attachment No. 36

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

37. **Petition No. 2006-123 (hearing).** Change in zoning from I-2 to TOD-M for approximately 3.0 acres located on South College Street east of South Tryon Street and north of East Bland Street. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment No. 37

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

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