

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

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***CITY COUNCIL ZONING AGENDA***  
***Monday, December 18, 2006***

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

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

***DINNER MEETING***

- ***Review of Agenda – Keith MacVean***

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

## *DECISIONS*

1. **Petition No. 2006-59 (decision) by Self Storage Development, LLC** for a change in zoning for approximately 5.6 acres located east of the intersection of Annalexa Lane and Ballantyne Commons Parkway from R-3 to BD(CD).

The Zoning Committee found this petition to be inconsistent with the Providence Road / I-485 Plan and to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition. Commissioner Randolph was excused due to a conflict of interest.

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 1

2. **Petition No. 2006-75 (decision) by Southeast Resort Investment Partners, LLC** for a change in zoning for 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, therefore, to be reasonable and in the public interest, and unanimously recommended **APPROVAL** of this petition with the noted modifications.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

3. **Petition No. 2006-89 (decision) by The Boulevard at 1500 S. Church LLC** for a change in zoning from I-1 to MUDD-O for approximately 1.9 acres located on the west side of S. Church St south of W. Summit Ave.

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

4. **Petition No. 2006-101 (decision) by The Boulevard Company** for a change in zoning from

**Protest  
(sufficient)**

UR-2 to UR-3(CD) for approximately 1.29 acres located on the south side of West 6th St between North Sycamore and North Irwin Ave.

**Protest  
(not sufficient)**

*A protest petition has been filed and is not sufficient to invoke 3/4 majority-voting rule.*

The Zoning Committee found this petition to be consistent with the 3<sup>rd</sup> Ward Area Plan and to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition as modified.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 4

5. **Petition No. 2006-106 (decision) by The Boulevard at Church & Bland, LLC** for a change in zoning from I-2 and MUDD to TOD-M (O) for approximately 7.0 acres between South Church St and Winnifred St, north of West Bland St.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 5

6. **Petition No. 2006-107 (decision) by Neighbors Restorations, LLC** for a change in zoning from R-8 to UR-2(CD) for approximately 1.43 acres located on the southwest corner of South Bruns Ave. and Sumter Ave.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 6

**Deferral**

7. **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 recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 7

**Deferral**

8. **Petition No. 2006-116 (decision) by Charlotte-Mecklenburg Planning Commission** for the 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 recommended a **ONE-MONTH DEFERRAL** of this petition.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 8

**Deferral**

9. **Petition No. 2006-121 (decision) by Janet Lynn Bickett & John Earls** for a change in zoning of approximately 2.4 acres located on the northeast corner of North Graham Street and Oneida Road from R-4 to I-1(CD).

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 9

**Deferral**

10. **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.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 10

11. **Petition No. 2006-126 (decision) by D.R. Horton** for a change in zoning from R-3 to MX-1 for approximately 50.8 acres located between Johnston Oehler Rd and Prosperity Church Rd.

The Zoning Committee recommended **DEFERRAL TO A SPECIAL MEETING ON DECEMBER 18, 2006 AT 5:00 PM IN CH-18 IN THE BASEMENT OF THE GOVERNMENT CENTER. (Staff will report the outcome of the Special meeting at the City Council meeting)**

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

Attachment 11

12. **Petition No. 2006-128 (decision) by Blue Sky Partners** for a change in zoning from R-5 to MUDD(CD) for approximately 0.80 acres located on Ideal Way between Euclid Avenue and Marshall Place.

**Protest  
(sufficient)**

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

The Zoning Committee found this petition to be inconsistent with the Dilworth Land Use and Streetscape Plan but to be reasonable and in the public interest and voted 5-2 to recommend **APPROVAL** of this petition with the noted modifications.

**Staff disagrees with the recommendation of the Zoning Committee and recommends denial of this petition.**

Attachment 12

13. **Petition No. 2006-129 (decision) by Blue Sky Partners** for a change in zoning from B-2 to MUDD-O for approximately 1.2 acres located on the north side of Ideal Way between South Boulevard and Euclid Avenue.

The Zoning Committee found this petition to be consistent with the Central District Plan and the General Development Policies – Transit Station Area Principles and to be in the public interest and unanimously recommended **APPROVAL** of this petition with the noted modifications.

**Staff disagrees with the recommendation of the Zoning Committee and recommends denial of this petition.**

Attachment 13

14. **Petition No. 2006-134 (decision) by Charlotte Retirement Residence, LLC** for a change in zoning from R-3 to INST (CD) for approximately 9.2 acres located on the west side of Carmel Rd between Asherton Dr and Windwood Cir.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 14

**Deferral**

15. **Petition No. 2006-137 (decision) by Gulf South Development** for a change in zoning

from R-3 to R-4(CD) for approximately 27.3 acres located on the north side of Hucks Rd, and northwest of the intersection of Hucks Rd. and Browne Rd.

**Protest  
(sufficient)**

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

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 15

16. **Petition No. 2006-144 (decision) by B & E Properties** for a change in zoning from O-2 to MUDD(CD) for approximately 0.90 acres located on the northwest corner of Hawthorne Lane and E. 5th St.

The Zoning Committee found this petition to be consistent with the Transit Station Area Principals and to be reasonable and in the public interest and unanimously recommended **APPROVAL** of this petition as modified.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 16

17. **Petition No. 2006-147 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning from I-2 to TOD-M for approximately 0.40 acres located on the southwest corner of S Tryon St and W. Palmer St.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 17

18. **Petition No. 2006-149 (decision) by Songbird Development, LLC** for a change in zoning from R-3 to MX-1 for approximately 16 acres located on the east side of S. Tryon Street at the intersection of S Tryon St and Beam Rd.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 18

19. **Petition 2006-150 (decision) by City of Charlotte Economic Development** for a change

in zoning from I-2 to TOD-M for approximately 0.30 acres located on the east side of Camden Rd between Park Ave and S Tryon St.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 19

20. **Petition 2006-151 (decision) by Charlotte-Mecklenburg Planning Commission** for a change in zoning from I-2 to TOD-M for approximately 0.60 acres located on the southwest corner of W. Carson Blvd and S Mint St.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 20

21. **Petition No. 2006-152 (decision) by Dickerson Realty Florida, Inc** for a change in zoning from I-2 to MUDD for approximately 0.60 acres located on the east side of S. Graham St. and south of John Belk Freeway.

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

Staff agrees with the recommendation of the Zoning Committee

Attachment 21

## ***HEARINGS***

### **Deferral**

22. **Petition No. 2005-92 (hearing)**. Change in zoning from B-2 to MUDD-O for approximately 3.1 acres located northwest of Hawthorne Lane and northeast of East 4<sup>th</sup> Street. ***Petitioner: Providence Road Land Partners, LLC***

Staff recommends a one month deferral.

Attachment 22

23. **Petition No. 2006-48 (hearing)**. Change in zoning from MX-2 to MX-2SPA for approximately 38.8 acres located on the east side of Lancaster Highway south of Providence Road West.

***Petitioner: Charlotte-Mecklenburg Board of Education***

Staff recommends approval of this petition.

Attachment 23

24. **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***

**Protests (3)  
(all sufficient)**

***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 24

25. **Petition No. 2006-135 (hearing).** Change in zoning from B-2(CD) to B-2(CD) SPA for approximately 22.3 acres located on the north side of W. Arrowood Road and on the west side of Forest Point Boulevard. ***Petitioner: Faison – Arrowood Properties, LP***

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

Attachment 25

**Deferral  
(no Community  
Meeting Report)**

26. **Petition No. 2006-136 (hearing).** Change in zoning from R-3 to R-8(CD) and O-1(CD) for approximately 3.8 acres located on Coatbridge Lane south of McLaughlin Drive. ***Petitioner: Richard T. Wynn***

**Protest  
(sufficient)**

***A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.***

Petitioner has eliminated the request for office zoning.

Staff recommends approval of this petition upon resolution of outstanding site plan issues. Community meeting report has not been received as of December, 11, 2006.

Attachment 26

27. **Petition No. 2006-140 (hearing).** Change in zoning from R-3 to NS for approximately 3.2 acres located on the southwest corner of Prosperity Church Road and Dearmon Road. ***Petitioner: Southern Holdings IV, LLC***

**Protest**

***A protest petition has been filed and is sufficient to invoke ¾ majority-voting rule.***



(sufficient)

Staff recommends denial of this petition.

Attachment 27

**Deferral**

28. **Petition No. 2006-142 (hearing)**. Change in zoning from INST(CD) to INST(CD)SPA for approximately 19.3 acres located on the south side of Choate Circle west of Moss Road. **Petitioner: Gordon-Conwell Theological Seminary**

Petitioner has requested a one month deferral of this petition to address site plan issues.

Attachment 28

29. **Petition No. 2006-143 (hearing)**. Change in zoning from R-3 to UR-2(CD) for approximately 1.4 acres located on the northeast corner of Park Road and Park South Drive Street. **Petitioner: Atlantic Financial Group, Inc.**

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

Attachment 29

**Deferral**

(no Community Meeting Report)

30. **Petition No. 2006-148 (hearing)**. Change in zoning from R-3 to UR-1(CD) for approximately 4.7 acres located on the southeast corner of N. Sharon Amity Road and Windemere Lane. **Petitioner: Vicus Builders, Inc.**

Staff recommends a one month deferral of this petition to allow the petitioner to submit a revised site plan. No community meeting report has been received as of December, 11, 2006.

Attachment 30

31. **Petition No. 2006-153 (hearing)**. Change in zoning from R-4 to RU-1(CD) for approximately 1.3 acres located on the southeast corner of Park Road and Yale Place. **Petitioner: New South Properties of the Carolinas, LLC c/o Damon Mitchell**

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

**Protest**

(sufficient)

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

Attachment 31

32. **Petition No. 2006-160 (hearing)**. Change in zoning from UR-2(CD) to UR-2(CD)SPA for approximately 4.6 acres located on the west side of N. Wendover Road and the east side of Wendwood Lane north Churchill Road. **Petitioner: Heroldton Partners, LLC**

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

Attachment 32

33. **Petition No. 2006-162 (hearing).** Change in zoning from B-1 to TOD-R(CD) for approximately 1.2 acres located on the southwest corner of E. Worthington Avenue and Cleveland Avenue. *Petitioner: Heath Partners, LLC*

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

Attachment 33

34. **Petition No. 2006-163 (hearing).** Change in zoning from B-D(CD) and I-1 to O-1 for approximately 8.6 acres located on the northeast corner of Nations Ford Road and E. Hebron Street. *Petitioner: Victory Christian Center*

Staff recommends approval to the **institutional district**. (The petitioner has agreed to this change.)

Attachment 34

35. **Petition No. 2006-166 (hearing).** Change in zoning from O-1 and O-3 to MUDD-O for approximately 10.6 acres located on the south side of Fairview Road between J.A. Jones Drive and Barclay Downs Drive. *Petitioner: LNR Property Corporation c/o Mr. Tom Creasy*

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

Attachment 35

36. **Petition No. 2006-170 (hearing).** Change in zoning from I-1(CD)(LLWPA) to I-1(LLWPA) for approximately 4.3 acres located on the north side of Wilkinson Boulevard west of Sam Wilson Road. *Petitioner: Gary N. Babcock*

Staff recommends approval of this petition.

Attachment 36

**Deferral**  
(no Community Meeting Report)

37. **Petition No. 2007-07 (hearing).** Change in zoning from R-8 to UR-2(CD) for approximately 1.1 acres located on the northwest corner of Baxter Street and Avant Street. *Petitioner: Anthony V. Hunt of Stonehunt Development*

**Protest**  
(not sufficient)

*A protest petition has been filed and is not sufficient to invoke ¾ majority-voting rule.*

**Decision Requested**

Please note, petitioner is requesting a decision the same night as the public hearing.

Staff recommends denial of this petition. Community meeting report has not been received as of December 11, 2006.

Attachment 37

38. **Petition No. 2006-158 (hearing)**. Change in zoning from B-1 and O-2 to R-8 and R-22MF for approximately 1.7 acres located on the east side of Lexington Avenue and 0.3 acres located in the northeastern corner of Dilworth Crescent. *Petitioner: Charlotte-Mecklenburg Planning Commission*

Staff recommends approval of this petition.

Attachment 38

39. **Petition No. 2006-159 (hearing)**. Change in zoning from R-5 to R-6 for approximately 0.7 acres located on the west side of Orange Street north of Maxwell Ariel Lane. *Petitioner: City of Charlotte Neighborhood Development*

Staff recommends approval of this petition.

Attachment 39

#### **Deferral**

40. **Petition No. 2006-169 (hearing)**. Consideration of a text amendment to the City of Charlotte Zoning Ordinance to refine the regulations for outdoor recreation facilities, by expanding the language to include service and maintenance facilities, golf courses, snack bars, pro shops, fitness centers, among others. The current prescribed conditions have been consolidated and relocated into Chapter 12, rather than being reiterated in each of the Zoning District sections. In addition, a table has been added that summarizes the outdoor recreation screening and buffering requirements.

This amendment also refines the definition of “outdoor recreation” and adds new definitions for “planned development” and “passive park”:

Staff recommends one month deferral of this petition to continue refining the text amendment.

Attachment 40