

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm. 280
October 29, 2014
4:30 P.M.

1. [Petition No. 2013-094](#) (Council District 4 – Phipps) by Halvorsen Development for a change in zoning for approximately 33.85 acres located on the west side of Prosperity Church Road across from Ridge Road from CC (commercial center) and R-3 (single family residential) to CC (commercial center) and CC SPA (commercial center site plan amendment), with five-year vested rights.

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

Attachment 16

Update: The following issues have been addressed:

1. **Staff has rescinded the request to provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail as the existing note (Note 2H under Permitted Uses/Development Area Limitation/Transfer & Conversion Rights/and Certain Building Edge Treatment) is sufficient.**
2. **Removed all proposed signs as they will be permitted separately.**
3. **Amended Note 5(O) to state the following: "petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed by the ordinance."**
4. **Staff has rescinded the request to amend Note 2B to state "Development Areas A,C D,F and H may be developed with up to 100,000 square feet of gross floor area of ~~uses permitted by right and under prescribed conditions~~, office, retail, restaurant eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district" due to the addition of prohibited uses.**
5. **Amended development notes to change restaurants to eating, drinking and entertainment establishments.**
6. **Amended Note 5H to read "Charlotte-Mecklenburg Planning Department."**
7. **Amended Note 5I to remove the unnecessary "s" from Development Areas A.**
8. **Provided a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.**
9. **Amended Note 2E as follows: "...vehicular parking and maneuvering may not be located between the proposed building edge(s) and the street where the building edge(s) is indicated."**
10. **Amended Note 5C as follows: "at least one building within Development C will include a prominent architectural feature oriented toward the intersection of Ridge Road and Benfield Road. An entrance to the building will be provided from either Ridge Road, Benfield Road or at the corner of the building to complement the prominent architectural feature."**
11. **Added a note under Architectural Standards as follows: "Any permitted drive-through feature located in in Development Area A and Development Area C will be incorporated into the building's design using the same architectural style, detailing, and materials palette as the primary building it serves."**
12. **Replaced Note 5D to state "retail buildings B and C shall have their primary exterior facades oriented toward proposed Public Street #1. The facades of these buildings facing proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by films, decals or opaque materials, glazing**

finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B & C shall have an operable door facing proposed Public Street #1 and this door shall be treated equally as a public entrance of the business.”

13. Amended Note 5G and building elevations to specify that Buildings #1, 2 and the townhome buildings within Development Area E will be designed so that the units on the ground floor facing Ridge Road and Public Street #1 will have (i) an entrance from each unit to the abutting street; and (ii) vertical shaped windows with a height greater than their width.
14. Added Note 5R as follows: “the orientation of the building constructed in Development Area H may be adjusted to match the realignment of Prosperity Church Road. The new orientation must be submitted to the Planning Department staff for approval.
15. Added Note 6F stipulating that parking areas between Cardinal Point Road and Ridge Road may not occupy more than 35 percent of the total street frontage along each side of proposed Public Street #1 (on-street parking will not be calculated into this percentage).
16. Amended Note 8A to specify that the community green space shall contain a minimum area of 20,000 square feet of surface area.
17. Amended Note 11B to specify the information on how much square footage has been constructed will be provided with each permitting submittal for any of the buildings located within Development Areas C, D, F and H.
18. Deleted reference and label for “New Prosperity Church Road” and retained label as “Benfield Road.”
19. Reflected on-street parking along the frontage on Prosperity Church Road.
20. Consistent reference to Proposed Public Street #1.
21. Specified that the community green space will be completed prior to the issuance of a final certificate of occupancy for any tenant located within Retail Building A, B or C.
22. Amended Note 8C to delete the following verbiage: “the community green space will be located within the right-of-way of Public Street #1. The petitioner will enter into an agreement with the City of Charlotte to maintain the improved open space area once it has been constructed.”
23. Staff has rescinded the request to remove the last paragraph under Note 2B.
24. Amended not 2G to read as follows: Prior to the issuance of a final certificate of occupancy for the building labeled “Major #1” on Sheet RZ-2, the three buildings labeled “Retail A, B and C” on sheet RZ-2 must have received a certificate of completion.
25. Staff has rescinded the request to submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.
26. Added a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site’s final construction plan is approved by the city. Traffic signal modification costs and easements will be determined during the construction plan review process.
27. Added a note that where there is sufficient median width to support vegetation on Ridge Road, the petitioner will construct a “landscaped” pedestrian refuge median.
28. The minimum driveway throat lengths have been modified to be 50 feet behind the stop line for minor street connections. Major street connections have 100- to 120-foot driveway throat lengths.

The following items have been added or modified since the public hearing:

1. Amended Note 2E to include the following as prohibited uses: Civic/social service and fraternal facilities, equipment rental and leasing, funeral homes/embalming, gas stations with or without convenience stores, government buildings, hotels and motels, gunsmiths, gas stations with or

	<p>without a convenience store, nurseries/greenhouses, outdoor recreation, religious institutions, repair or servicing of any article the sale of which is permitted in the district except that shoe repair and tailoring will be allowed, telephone booths, vocational schools, adult care centers, child care centers, donation drip-off facility, public utility structures, and land clearing and inert landfills on-site.</p> <p>2. Added Note 5B as follows: "the residential buildings constructed within Development Area E will be constructed with at least 35 percent of the exterior of each building, exclusive of windows, doors and roofs, with brick, stone, precast stone or precast concrete."</p> <p>The following issues are outstanding:</p> <ol style="list-style-type: none"> 1. Amend Note 10B to delete the word "site." 2. Amend Note 2D to replace "restaurant" with "eating, drinking and entertainment establishment." 3. Add a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site's final construction plan is approved by the city. Traffic signal modification costs and easements will be determined during the construction plan review process. <p>The following are new issues resulting from the review of the revised site plan:</p> <ol style="list-style-type: none"> 1. Amend Note 4 (IB) to remove reference to two pedestrian refuge islands and replace with the following: petitioner will install pedestrian refuge islands. 2. Amend Note 4 (IB) to add the following: The configuration of proposed parking and pedestrian refuge islands along the site's Ridge Road frontage to be determined in conjunction with CDOT during the building permit process.
	<p>2. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Note D3 has been modified to read that "no parking will be allowed between the building and the public streets." 2. Staff has rescinded the request to modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area. 3. The proposed uses have been modified to include "clinics, financial institutions, medical, dental and optical laboratories, child care centers, barber and beauty shops, and studios. Restaurants have been modified to "Eating, Drinking and Entertainment Establishments (Type 1)". 4. Building elevations of the proposed office buildings and childcare center have been provided. 5. The proposed three building footprints have been shown with the building envelope. 6. Note H.2 has been modified to indicate that the dumpster location on shown on the plan has been agreed upon with the Southampton Home Owners Association. If there is any modification of the dumpster location, the petitioner will submit and provide a letter from the Southampton HOA agreeing to the changes. 7. Development Conditions have been amended to include the MX-2 district under proposed zoning and the accompanying parcel number. 8. The Class "C" buffer has been show on the plan and a note that the

	<p>alternative buffer request has been submitted to the City of Charlotte Zoning Administrator.</p> <p>9. Sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway have been shown on the plan.</p> <p>10. Clarified that street trees will be provided along Marvin and Ardrey Kell Road.</p>
Defer (to December 1, 2014)	<p>3. Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <p>a. Create a new definition for mobile farmer’s market;</p> <p>b. Allow mobile farmer’s markets in all zoning districts; and</p> <p>c. Create new prescribed conditions for mobile farmer’s markets.</p> <p>Staff recommends a one-month deferral of this text amendment to the December 1, 2014 Zoning Committee meeting.</p> <p>Attachment 3</p>
Defer to January 5, 2015	<p>4. Petition No. 2014-031 (outside city limits) by Wilkison Partners, LLC for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The petitioner has requested a two-month deferral to the January 5, 2014 Zoning Committee Meeting.</p> <p>Attachment 4</p>
Defer (to December 1, 2014)	<p>5. Petition No. 2014-043 (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee Meeting.</p> <p>Attachment 17</p>
	<p>6. Petition No. 2014-051 (outside city limits) by Eastgroup Properties, LP for a change in zoning for approximately 48 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485 from R-3 (single family residential), I-2 (general industrial), and I-2(CD) (general industrial, conditional) to I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 18</p> <p>Update: The following issues have been addressed:</p> <p>1. Amended Site Development Data to delete “this site may be developed with 1,400,000 square feet of gross floor area.” Noted maximum square footage as 310,000 square feet.</p> <p>2. Deleted Note C under Architectural Standards.</p> <p>3. Limited maximum building height to 40 feet.</p> <p>4. Staff has rescinded the request to address Engineering and Property Management comments as the offending portion of the site has been removed from the rezoning.</p> <p>5. Amended Note C under General Provisions to state that the administrative</p>

	<p>amendment will be submitted prior to a decision being made on Petition 2014-51.</p> <p>6. Amended site plan to remove references to reduction of required buffers with a fence. Site plan correctly reflects a Class "A" buffer along the site's frontage on Gable Road and I-485. Notes specify existing portions that will remain, a 50-foot portion that will remain wooded and undisturbed, and portions that will be reduced to 37.5 feet in width with a berm.</p> <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. Amended site development data to reflect a reduction in acreage from 43.26 acres to 20.316 acres. 2. Amended Note B under General Provisions to eliminate tax parcels no longer included in the rezoning. 3. Amended Note C under General Provisions to specify that a 7.03 acre portion of the existing I-2(CD) zoned area is included in the I-2(CD) site plan amendment. 4. Amended Note C under General Provisions to state that an administrative amendment will be provided prior to the City Council's decision for previous petition 2013-21, which will reduce the entitlements by 96,000 square feet. 5. Amended Note D under General Provisions to clarify that the development proposed under the site plan for this rezoning petition and rezoning plan will be a portion of Phase 1 and Phase 2 of Steele Creek Commerce Park. 6. Amended Note A under Architectural Standards to correctly specify that Sheet RZ-3 reflects a schematic architectural rendering of the rear elevation of the building facing Gable Road identified as Building 6. 7. Correctly labeled building elevations on Sheet RZ-3. 8. Added Note B under Architectural Standards to specify that a front elevation for Building 7 is included with the site plan. 9. Added Note C under Architectural Standards regarding elevations for Building 6 to provide an alternative elevation for Gable Road, which will be provided in the event that vehicular parking and circulation (excluding truck parking and/or circulation) is located between Building 6 and Gable Road. 10. Added Note C under Streetscape/Landscaping/Buffers to specify that a portion of the required 50-foot Class A buffer along the frontage on Gable Road will be 50 feet in width and the existing trees located in this buffer area will be preserved. 11. Amended Note D under Streetscape/ Landscaping/Buffers to specify that the undisturbed 50-foot Class A buffer may be eliminated or reduced if an adjacent land use is changed to a land use or zoning that eliminates or reduces the buffer requirement. <p>Update: The following issue is outstanding:</p> <ol style="list-style-type: none"> 1. Note B under Streetscape/Landscaping/Buffers conflicts with Note D as written. Delete Note B and Amend Note D to add, "... the petitioner may reduce or eliminate pursuant to Section 12.302(8), as the case may be ..."
	<p>7. Petition No. 2014-055 (Council District 1- Kinsey) by Andrew Klenk for a change in zoning for approximately 0.23 acres located on the east side of North Davidson Street between 33rd Street and East 34th Street from R-5 (single family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of the petition.</p> <p>Attachment 19</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has modified Permitted Uses Note C to state that outdoor eating/activity areas will not be in use after 11:00 p.m. 2. The petitioner has amended the Optional Provision pertaining to streetscape by requesting a minimum four-foot wide planting strip to

	<p>match existing, and a minimum five-foot wide sidewalk along North Davidson Street frontage, with any sidewalk outside the right-of-way placed within a sidewalk easement.</p> <ol style="list-style-type: none"> 3. Information under Development Site Data has been modified to specify the existing building square footage (approximately 1,580 square feet) proposed nonresidential building square footage (4,400 square feet, including the courtyard area). 4. The width of the planting strip (four feet) is now labeled on the site plan. 5. Development Data Table Note I has been modified to identify three spaces on-street for parking. 6. The site plan has been corrected to acknowledge that abutting Parcel Number 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional). 7. The petitioner will provide a copy of the draft parking lease agreement prior to City Council decision on the rezoning request. <i>The lease agreement must be recorded with the Register of Deeds upon submittal of plans through the plan review process.</i> 8. Notes on the site plan have been amended to replace "restaurant" with "eating, drinking, and entertainment establishment." 9. Removed Note A under "General Provisions" as it is covered by Note B. 10. Added language stating that any additions to the existing structure will be similar in character to the existing residential structure. 11. Renamed "shade garden" to "entry garden" to provide clarity to Note D (formerly Note C) under Architectural Standards is referring to the "shade garden" shown on the site plan and if the shade garden is covered or enclosed. The entry garden is open (not enclosed or covered). 12. Noted on site plan that the material of the trash area enclosure will be a minimum six-foot high wood fence that will complement the character of the building. 13. Noted on site plan that the surface material of the path for roll-outs will be concrete or pavers. 14. The petitioner has added language to state that at least two long-term bike parking spaces will be provided either under a roof or in bike lockers. 15. A note has been added on the site plan stipulating that trash/recycling will be removed on a daily basis or be stored in a refrigerated enclosure to reduce odors. The note also states that waste pickup service will be limited to normal business hours (8 a.m. through 6 p.m.).
	<p>8. <u>Petition No. 2014-064</u> (Council District 1 - Kinsey) by Marsh Properties, LLC for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) with five-year vested rights.</p> <p>Staff recommends approval of the petition.</p> <p>Attachment 6</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. CDOT clarified that the Subdivision Ordinance would require street D to be public. Subdivision staff has confirmed that the street can be private provided it is built to public street standards with a public access easement. 2. Provided a public street extension of Iverson Way from Poindexter to the edge of the conservation easement, the remaining un-opened right-of-way will not be abandoned but the petitioner will not be required to improve it. 3. Provided development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements. 4. CDOT removed this request, design the proposed southbound right-turn

lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge. The intersection capacity is being improved by extending the existing southbound left-turn storage instead adding a right turn-lane.

5. Increased the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I. The petitioner is extending the existing storage on the southbound left-turn lane from 80 feet to 150 feet.
6. Provide a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I. Petitioner has agreed to this request, and it is noted in the Transportation section of the Development Standards.
7. Provide a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst intersection in Phase I. Petitioner has added this commitment in the form of conditional note on the development standards
8. Committed to constructing the "Potential New Private Street" located in the rear of Development Area B during Phase II as a public street.
9. Provided a pedestrian refuge island and crossing midblock between Poindexter and Elmhurst Road. The final location will be determined during permitting, and more detailed feedback will be provided upon CDOT review of the revised site plan.
10. Cross reference the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1). As shown, it is not clear where the petitioner plans to implement each respective street cross section. The petitioner verbally clarified their intent in project meetings with CDOT and this is no longer an issue.
11. Provide more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route. The petitioner verbally clarified their intent in project meetings with CDOT and this is no longer an issue.
12. Scheduled a meeting with CMS staff to discuss concerns with the student yield calculations and any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.
13. Altered the language of Note 6. f. on sheet RZ-2.0 and Noted. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.
14. Clarified all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.
15. Revised Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. All City trees within the right-of-way are protected and cannot be removed without a permit. A reference to a minimum 50% of trees outside of the City right-of-way but within 15 feet of the right-of-way is permissible.
16. Amended Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.
17. Completed Note 4. I. to provide Transportation improvement details.
18. Addressed Urban Forestry issues (see 13-16).
19. Changed all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).
20. Staff rescinded the request to remove the language in Note 1.c. and replace with the following: "Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance."
21. Amended Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.

22. Removed RZ-6.1.
23. Staff rescinded the request to modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to also include development areas C and D because the MUDD (mixed use development) standards handle the issue for areas C and D.
24. Specified that the minimum two acres of open space is in addition to the open space required in each development area.
25. Labeled the adjacent zoning of neighboring parcels on RZ-2-1.2
26. Amended Note 3. d. that says "(Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit)" to include areas A, C and D.
27. Changed the word "homes" to "zoning" in Note 6.hi.
28. Provided a statement of Overall Design Intent.
29. Revised the Poindexter elevation with a combination of landscaping and architectural features to break up blank walls.
30. Staff has allowed the petitioner to replace Note 2.i. with two notes allowing specific windows of the building located at the corner of Poindexter Road and South Boulevard to be covered 100% with non-product, non-tenant specific or tenant identifying graphics other windows on the building shall be clear glass.
31. Eliminated the optional provision to allow detached signs for each building in Development Areas A and B.
32. Staff rescinded the request to eliminate the optional provision to allow detached signs for each use within Development Areas C and D because the MUDD (mixed use development district) allows detached signs. The petitioner clarified that the optional request is to allow an increased sign area from 20 square feet to 25 square feet Staff has no issue with this request.
33. Staff rescinded the request to reduce the size of a wall mounted neighborhood identification sign to 32 square feet..
34. Removed Note 10.b regarding "sign flex."
35. Amended Note 1.d. to indicate a total of 12 principle buildings allowed in the MUDD zoning.
36. Amended Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
37. Described phasing in Note 4.b.
38. Staff rescinded the request to specify building materials for structured parking facilities because the MUDD (mixed use development standards) address this issue.
39. Staff worked with the petitioner to provide the following General Design Guidelines:
 - a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
 - b) Streetscape treatment will be a unifying element through the use of complimentary landscaping and hardscaping materials throughout the Site.
 - c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d) Staff clarified the request for windows and doors provided for at least 40% of the total facade area along public streets with each floor calculated independently applied only to UR-2 (urban residential) areas. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length. This guideline was included in the multi-family design guidelines.
 - e) Staff clarified the request for ground floor elevations treated with a

	<p>combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work and landscaping applied only to the UR-2 (urban residential) areas. Blank walls cannot be addressed with landscape elements only. This guideline was included in the multi-family design guidelines.</p> <p>f) The petitioner address the request for development areas C-I to include a mix of building massing and building heights by stating in the statement of overall design intent that a variety of residential building styles, types, and materials would be uses throughout the site.</p> <p>g) Staff clarified the request for facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth applied only to the UR-2 (urban residential) areas. The combined length of said recesses and projections shall constitute at least 20% of the total facade length. This guideline was included in the multi-family design guidelines.</p> <p>h) Staff clarified the request for end fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets applied only to the UR-2 (urban residential) areas. This guideline was included in the multi-family design guidelines.</p> <p>i) Staff clarified the request for facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors applied only to the UR-2 (urban residential) areas. This guideline was included in the multi-family design guidelines</p> <p>j) Staff clarified the request for facades above the first story shall incorporate windows, arches, balconies, or other architectural details applied only to the UR-2 (urban residential) areas. This guideline was included in the multi-family design guidelines</p> <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. Provided a note stating, "Buildings constructed within Development Area G, that are located within 150 feet of the northeastern property boundary of Development Area G (the common property line with the four lots fronting on Poindexter Drive between Lawndale Road and Elmhurst Road (500, 510, 516 and 520 Poindexter Drive) the 'Northeastern Property Boundary') may not have balconies or decks above the first floor that are oriented toward the Northeastern Property Boundary". 2. Provided multi-family design guidelines. 3. Decreased the maximum building height in Parcel J from 50-feet and 40-feet within 100-feet of the adjacent single family residential to 40-feet for the entire development parcel.
<p>Defer (to January 5, 2015)</p>	<p>9. <u>Petition No. 2014-071</u> by Charlotte-Mecklenburg Planning Department & Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> a. Add new definitions for "animal care and control division", "animal care and control fosterer", "animal rescue group" and "animal rescue group fosterer"; b. Modify the definitions for "commercial kennel" and "private kennel"; c. Modify the prohibited customary home occupation list; and d. Modify the prescribed conditions for private kennels. <p>Staff recommends a two month-deferral of this text amendment to the January 5, 2015 Zoning Committee meeting.</p> <p>Attachment 33</p>

	<p>10. Petition No. 2014-073 (Council District 6 - Smith) by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in the setback or yards in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p>Update: There are no outstanding issues with this petition.</p>
	<p>11. Petition No. 2014-080 (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p>Update: There are no outstanding issues with this petition.</p>
	<p>12. Petition No. 2014-081 (Outside City Limits) by Provident Land Services for a change in zoning for approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area from MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) TO MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The number of residential units for the overall site has been provided. The site will be allowed to have 598 for all lots except Parcel I which will add 60 lots for an overall total of 658 dwelling units. 2. A detail of the typical lot has been provided. 3. A note has been added that commits to 6/12 roof pitches. 4. Add a note which requires foundations to be masonry under "Architectural restrictions". 5. A note has been added for Parcel K specifying the spacing of the proposed pedestrian lighting. 6. Proposed open space areas have been show on the plan for the overall site. 7. In lieu of eliminating the note regarding mass grading the petitioner has agree to the following: <ol style="list-style-type: none"> a. increase the minimum lot width as follows: Parcel D lot the minimum lot width will be increased from 65 feet to 70 feet; Parcel G-1 minimum lot width will be increased from 80 feet to 90 feet; Parcel G-2 minimum lot width will be increased from 65 feet to 80 feet; b. Amend note 9.d as follows: Within Parcels G-1, G-2, D and H grading and clearing will be limited and regulated by the City of Charlotte & Mecklenburg County Enhanced Erosion Control Policy for Sites located in critical water shed areas, <u>with the additional enhancement that the amount of uncovered area at any one time shall be limited to no more than 12 acres, unless approved by City/County Engineer.</u> Enhanced

	<p>Erosion Control Policy requirements such as but not limited to the following will be utilized as specified in the Enhanced Erosion Control Policy: (i) surface water draw down devices (risers or skimmers); (ii) Polyacrylamides (PAM) to reduce turbidity; (iii) double silt fences; (iv) the amount of uncovered area at any one time shall be limited to no more than <u>12</u> acres (<u>as enhanced by the Petitioner</u>), unless approved by City/County Engineer; and (v) other measures as specified by the Enhanced Erosion Control Policy requirements.</p> <ol style="list-style-type: none"> 8. A note has been added that "play areas and amenity areas will be provided once 480 homes have been permitted." 9. A note has been added that the Watershed-Undisturbed Lake Buffer that was approved as a part of the 2005 rezoning: "For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain undisturbed in accordance with the Ordinance's watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 50 percent." 10. Open space in Development Area A is private open space for the overall development. 11. A wetlands letter for the subject property has been submitted. 12. A note has been modified to state that one member from the Catawba Community Association will serve in an advisory capacity to the Architectural Review Board of the Vineyards at Lake Wylie. 13. Modified the new note for the possible emergency at grade crossing across the Norfolk Southern line by removing the condition for 481 homes platted and the connection not be required if Norfolk Southern has not responded. <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. A note that the petitioner will provide a possible at grade crossing across the railroad. 2. Modification of traffic requirements for Parcel K along Old Dow Road and Sam Wilson Road.
	<ol style="list-style-type: none"> 13. Petition No. 2014-085 (Council District 1 – Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) HD (urban residential, conditional, historic district overlay) to TOD-RO HD (transit oriented development - residential, optional, historic district overlay). <p>Staff recommends approval of this petition.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Show the five-foot side yard line adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast. 2. Clarify under "Optional Provisions" Note a. by amending the second sentence as follows: "Buffer requirements of 6 trees and 20 shrubs per 100' will be maintained with the addition of a 6' high privacy fence rather than a masonry wall." 3. Extend the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Include a note stating that: "The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance." 4. Delete "Fire Protection" sections on the site plan. 5. Show and label open space and specify improvements/amenities.

	<p>6. Under "Parks Greenways and Open Space" delete Notes a., b. and c.</p> <p>7. Under "Environmental Features" delete Note c.</p> <p>8. Under "Transportation" delete Notes b., d., and e.</p> <p>9. Under "Permitted Uses" delete Note c.</p> <p>10. Under "Development Data Table" delete Note h.</p>
	<p>14. Petition No. 2014-89 (Council District 2 – Austin) by Hopper Communities for a change in zoning for approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue from R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district overlay, pedestrian overlay) to UR-2(CD)(HD) (urban residential, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Revise the existing zoning in the Rezoning Summary to include (HD) for the historic district overlay. 2. Clarify the unit count as there is a discrepancy in the number of single family attached units reflected on the site plan and the number listed in the Rezoning Summary and the Permitted Uses Notes 1. and 2. 3. Amend the proposed density and floor area ratio in the Rezoning Summary to reflect the revised unit count. 4. Amend the site plan to show dimensions for the width of the tree save/screening area. 5. Provide a conditional note describing the tree save/screening area with a proposed percentage for the area. 6. Clarify where changes to the sidewalks and planting strips are proposed on the site plan. Provide labels showing and a note describing the existing sidewalk and planting strip widths versus the proposed widths along each public street. Clearly identify on the site plan where the provisions in Note 4. under Streetscape and Landscaping are permitted. 7. Amend Note 1. under Architectural Standards to replace "and/or hardi-plank/fiber cement board" with "and wood or other material approved by the Historic District Commission." 8. Eliminate the following from Note 2. under Architectural Standards, "however, vinyl may be used on the soffits and trim, including window and door trim and vinyl windows may be installed." 9. Amend Note 8. under Architectural Standards to says "Windows and/or other architectural details shall..." 10. Provide building elevations. 11. Amend Note 4. under Streetscape and Landscaping to only apply to West 4th Street and Summit Avenue.
	<p>15. Petition No. 2014-090 (Outside the City Limits) by HSREI, LLC for a change in zoning for approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road from R-3 (single family residential) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The language under heading Permitted Uses has been clarified to state "other related <u>accessory</u> uses and parking".

	<p>2. Petitioner responded to Engineering’s request for a tree survey, information on tree save areas for current undeveloped parcels, and a tree protection plan for all tree protection zones and tree save areas with the following response: “If the determination is made prior to the vote of the City Council on this Petition that the City of Charlotte has the legal authority and has properly adopted an ordinance pursuant to that authority for a tree ordinance that would be applicable in the City’s Extraterritorial Jurisdiction, then the Petitioner will comply with that ordinance when the site development occurs.”</p> <p>The following items have been added or modified since the public hearing.</p> <p>1. The petitioner has added a Community Gathering Space on the property at the corner of Morehead Road and Stowe Lane. Language has been added to state that: “This space will include landscaping and seating so that members of the community may have a space to gather or visit in the area where they have lived and/or owned property.”</p>
	<p>16. <u>Petition No. 2014-091</u> (Council District 3 - Mayfield) by Time Warner Cable for a change in zoning for approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard from B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) to O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Added language in Environmental Features Note e. that acknowledges the proposed development must comply with tree save requirements. 2. Labeled the width of the sidewalk and planting strip along West Arrowood Road to show 9 feet and 18 feet (east of Crescent Executive Drive, and 5 feet and 4 feet (existing conditions west of Crescent Executive Drive). 3. All buffers (including widths) are properly labeled (and as previously approved) on the site plan. 4. Amended Site Summary on Sheet RZ1.0 to note site area is 85.3 acres. 5. Removed Signage Note 8c regarding moving, rotating, or flashing signs from the site plan. 6. Amended Architectural Standards Note 4a to specify building materials will include but not be limited to the following: aluminum panels and soffits; painted aluminum fins and mullions; low E-Vision glass with ceramic frit; spandrel glass in various colors; and, stone panels in aluminum sub-frame. 7. Addressed CDOT and LUESA comments with the following: <u>CDOT</u> <ol style="list-style-type: none"> a. Language describing proposed transportation improvements have been added to Sheet RZ-3.0 in lieu of a Transportation Plan. b. Petitioner will provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line. c. Re-worded conditional note “i” under the Access and Transportation section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note “i”. d. Extended westbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and South Tryon Street from 220 feet to approximately 345 feet each (within existing median). e. Petitioner will not restripe the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Current pavement markings will remain in place.

	<p>f. Petitioner will not restripe the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The current pavement markings will remain in place.</p> <p>g. The petitioner will extend the existing dual right-turn lanes to a combined 1,500 feet or construct a third right-turn lane on southbound I-77 off-ramp onto Arrowood Road with a combined total storage of approximately 1,500 feet, whichever option is agreed to by both NCDOT and CDOT.</p> <p>h. The petitioner will extend the eastbound dual left-turn lane storage on Arrowood Road at the intersection of Arrowood Road and Crescent Executive Drive to 310 feet and 430 feet (within the existing median).</p> <p><u>LUESA</u></p> <p>a. A note has been added under Environmental Features stating that the project will comply with Mecklenburg County Air Quality Requirements. In addition, a note has been added under Architectural Standards that states: "New parking decks constructed as part of the project will be designed to complement the owner's existing parking initiatives including preferred parking for "clean commuters" (carpool and vanpool spaces) as well as potential consideration for hybrid and electrical vehicle spaces.</p>
<p>Defer (to December 1, 2014)</p>	<p>17. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>The petitioner has requested a one-month deferral to the December 1, 2014 Zoning Committee meeting,</p> <p>Attachment 28</p>
	<p>18. <u>Petition No. 2014-093</u> (Council District 6 - Smith) by Merrifield Patrick Vermillion, LLC for a change in zoning for approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road from O-15(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Showed proposed dumpster and recycling location. 2. Provided detail of proposed five-foot masonry that will be used to screen along public streets, and indicated that a portion of the wall may be in a retaining condition. Provided that the wall will match exiting walls, and provided pictures of the existing walls along Sardis Road and Providence Road. 3. Changed "restaurant" to "eating, drinking, and entertainment establishment." 4. Deleted Note 2(d). 5. Correctly numbered items under Note 2 and Note 4. 6. Deleted Note 12. 7. Amended Note 10 to state "signage as allowed by the Ordinance will be provided." 8. Addressed CATS comments by adding the following verbiage to the note under Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility: <ol style="list-style-type: none"> (a) In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride

	<p>facility within permanent easement to replace the one currently located within the Old Sardis Road Right-of-way.</p> <p>(b) It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that area is abandoned by the City of Charlotte, and a replacement park-and-ride facility is established for CATS.</p>
	<p>20. Petition No. 2014-096 (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services).</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 31</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class B buffer. 2. Committed to a minimum office square footage of 25 percent. 3. Eliminated reductions to buffers abutting residential zoning and/or use. 4. Updated the site plan to reflect the approved variance for a 100-foot PCCO buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot post construction buffer. <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boardinghouses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills onsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station. 2. Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.” 3. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements. 4. Amended Note 5a under Streetscape, Buffers, Yards and Landscaping to specify the portion of the site’s frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved. 5. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class B buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

	<p>Update: The following issues are outstanding:</p> <ol style="list-style-type: none"> 1. Limit permitted uses to "personal services" as listed in Note 2(a), and/or office uses. 2. Reduce overall square footage from 30,000 to 20,000 square feet. 3. Add note committing building design to be residential in character.
	<p>21. <u>Petition No. 2014-098</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the height limitations.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p>
	<p>22. <u>Petition No. 2014-099</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to allow parking lot reconfiguration in the UMUD (Uptown Mixed Use) district under limited circumstances.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 35</p>