

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, CH14**  
**January 28, 2015**  
**4:30 P.M.**

	<p>1. <a href="#">Petition No. 2014-021</a> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) create a new definition for mobile fresh produce market; 2) allow mobile fresh produce markets in all zoning districts, under prescribed conditions; 3) modify Section 12.539, "outdoors fresh produce stands" to include mobile fresh produce markets; 4) modify the prescribed conditions for outdoor fresh produce stands and apply them to mobile fresh produce markets; and 5) correct the location of entries for outdoor fresh produce stand in various zoning districts.</p> <p>At the January 5, 2015 Zoning Committee meeting, the Committee voted 7-0 to <b>DEFER</b> this petition to their March 25, 2015 meeting, to allow staff time to revise the text amendment.</p> <p>Update:</p> <ol style="list-style-type: none"> <li>1. Staff has significantly revised the text amendment and held a Community Advisory Committee on January 6, 2015 to discuss staff's revised recommendations.</li> <li>2. Significant changes have been made the text amendment since the public hearing, which was held on March 17, 2014.</li> <li>3. Staff is recommending the Zoning Committee send the petition back to City Council to call for a new public hearing, rather than defer the petition to March 25, 2015.</li> </ol> <p><a href="#">Attachment 2</a> (City Council Agenda March 17, 2014)</p>
	<p>2. <a href="#">Petition No. 2014-042</a> (Council District 3 - Mayfield) by Moss Road Development Partners, LLC for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</p> <p>Staff does not support this petition in its current form.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> <li>1. Provided a Development Data Table that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum).</li> <li>2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road.</li> <li>3. Addressed CATS, CDOT, Engineering and Property Management, and Storm Water Services comments as per the following: <ol style="list-style-type: none"> <li>a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements.</li> <li>b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting.</li> <li>c. In response to Engineering and Property Management's request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.</li> <li>d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.</li> </ol> </li> <li>4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaires, and will be limited to a maximum 25 feet in height.</li> </ol>

	<p>The following issues are outstanding:</p> <ol style="list-style-type: none"> <li>1. The retail portion of the rezoning request is inconsistent the <i>Steele Creek Area Plan</i>, which recommends office.</li> <li>2. Limit uses to personal services and eliminate retail uses.</li> </ol> <p><b>Attachment 4</b> (City Council Agenda January 20, 2015)</p>
	<p>3. <b>Petition No. 2014-100</b> (Council District 1 – Kinsey) by <b>Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed-use).</p> <p>Update: The petitioner is converting this petition to a conditional request. The Zoning Committee action should be to return this petition to City Council for a new public hearing.</p> <p><b>Attachment 19</b> (City Council Agenda January 20, 2015)</p>
<p>Defer (to February 25, 2015)</p>	<p>4. <b>Petition No. 2014-110</b> (Council District 1 – Kinsey) by <b>Unique Southern Estates, LLC</b> for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue from R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).</p> <p><b>Attachment 21</b> (City Council Agenda January 20, 2015)</p>
	<p>5. <b>Petition No. 2014-113</b> (Council District 4 – Phipps) by <b>Dona M. Patterson</b> for a change in zoning for approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street from R-12MF (multi-family residential) to O-1(CD) (office, conditional)</p> <p>The following issues have been addressed.</p> <ol style="list-style-type: none"> <li>1. Note 5 has been removed from the plan.</li> <li>2. Note 1 has been removed from the plan.</li> <li>3. The current use has been updated to reflect a single-family home.</li> <li>4. The Five-foot sidewalk from the existing structure to the public sidewalk system has been shown.</li> <li>5. Possible dumpster location has been shown.</li> <li>6. The proposed driveway has been shown with one way access.</li> </ol> <p>Update: The following issues are outstanding:</p> <ol style="list-style-type: none"> <li>1. File a variance and receive approval prior to City Council decision on this petition to allow the encroachment of the existing structure into the required 12' foot buffer.</li> <li>2. Add a note that the existing structure shall remain and remove any reference to a new structure.</li> <li>3. Modify Note 10 to read: "Attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet."</li> </ol> <p><b>Attachment 22</b> (City Council Agenda January 20, 2015)</p>
	<p>6. <b>Petition No. 2015-002</b> by <b>Charlotte Montessori School</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the street frontage and primary access requirements for child care centers.</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><b>Attachment 25</b> (City Council Agenda January 20, 2015)</p>

	<p>7. <a href="#">Petition No. 2015-005</a> (Council District 4 – Phipps) <b>by SIM USA</b> for a change in zoning for approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <ol style="list-style-type: none"> <li>1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes" and replace with the following: "...upon future development of said Tracts (excluding the communications tower installation)."</li> <li>2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch and Steele Creek on this property for future greenway development.</li> <li>3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that sidewalk and planting strip would be constructed within six months of the approval of this rezoning.</li> <li>4. Amended Transportation note 4. to remove the words "contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council" and replaced with language requiring construction plans for the sidewalk and planting strip be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.</li> <li>5. Removed all references to Tract II. Grayed the area of Tract II and labeled "Not included in rezoning." Amended the application and site plan data to reflect the reduced acreage.</li> <li>6. Provided a note that prohibits all buffers from being reduced.</li> <li>7. Amended Note 2 under Permitted Development within the Site by replacing "a 200-foot monopole communications tower" with "up to a 210-foot monopole communications tower."</li> <li>8. Amended the definition of the term "Petitioners" to reflect a singular petitioner.</li> </ol> <p>The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> <li>1. Added a label indicating the existing communication tower to be removed.</li> </ol> <p><a href="#">Attachment 26</a> (City Council Agenda January 20, 2015)</p>
	<p>8. <b>Innovative Request for Rezoning <a href="#">Petition 2013-085</a></b>: Mark Kime is requesting approval of innovative provisions for the MX-2 single-family portion associated with rezoning petition 2013-085. The site is on the east side of Providence Road between Gold Links Drive and Chancelot Lane.</p> <p>The following items are the requested innovative provisions:</p> <ol style="list-style-type: none"> <li>1. Allow a modification of the internal lots to permit a 5 foot rear yard.</li> <li>2. Allow a maximum 70% building coverage.</li> </ol>