

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, RM 280
April 29, 2015
4:30 P.M.

Deferral Requested (May 2015)	<p>1. Petition No. 2014-109 (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from UR-C(CD) (urban residential - commercial, conditional), B-1 (neighborhood business) and R-8 (single family residential) to B-2(PED-O) (general business, pedestrian overlay, optional), UR-C(PED-O) (urban residential - commercial, pedestrian overlay, optional) and R-8MF (PED-O) (multi-family residential, pedestrian overlay, optional) with five-year vested rights.</p> <p>Attachment 21 (City Council Agenda April 20, 2015)</p>
Deferral Requested (May 2015)	<p>2. Petition No. 2014-110 (Council District 1 – Kinsey) by Unique Southern Estates, LLC 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>Attachment 21 (City Council Agenda January 20, 2015)</p>
	<p>3. Petition No. 2014-115 (Council District 3 – Mayfield) by Satwinder Singh for a change in zoning for approximately 1.13 acres located on the south side of Parker Drive between Remount Road and Berryhill Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>The following issues were address previously per March 25th Zoning Committee meeting:</p> <ol style="list-style-type: none"> 1. Amended Buffer Requirements under Development Standards to reflect the buffer standards discussed in the conditional notes under Streetscape and Landscaping. 2. Amended Permitted Uses note 1. to say that, "All uses permitted in the I-1 (light industrial) district plus outdoor material and equipment storage and associated accessory uses are permitted on the site" as opposed to current wording. 3. Clarified under Permitted Uses note 2. that diesel or gasoline storage is also prohibited. <p>The following items have been added or modified since the March 25th Zoning Committee meeting:</p> <ol style="list-style-type: none"> 1. Provided a survey of the existing conditions on a new sheet showing the existing 1,350 square foot building to be removed and existing impervious and material storage area of 39,385 square feet. 2. Limits the onsite material storage area to 23,200 square feet, resulting in a 16,185 square foot reduction of onsite storage area. 3. Added a proposed retaining wall along a portion of the southern property line due to topography. 4. Added a buffer standard stating that even though a fence is provided with the berm the number of shrubs will not be reduced as allowed by the Zoning Ordinance. 5. Changed the fence type along Parker Drive to a six foot tall black iron fence to match the material and style of the fence on the adjacent property to the west. 6. Amended the buffer and berm to provide the six foot tall wood stockade fence at the top of the berm. 7. Provided a new sheet showing landscaping detail, stockade fence detail, typical cross sections and site lines from the multi-family development to the rezoning site. <p>Attachment 25 (City Council Agenda March 16, 2015)</p>

	<p>4. Petition No. 2015-001 (Council District 1 - Kinsey) by Southern Apartment Group for a change in zoning for approximately 3.63 acres located on the east side of North Davidson Street and bounded by East 27th Street, Yadkin Avenue, East 26th Street, and North Davidson Street from MUDD-O (mixed use development, optional) to TOD-M(O) (transit oriented development - mixed-use, optional).</p> <p>Attachment 23 (City Council Agenda April 20, 2015)</p>
	<p>5. Petition No. 2015-020 (Council District 4 – Phipps) by Carolina States Regional Center, LLC for a change in zoning for approximately 15.43 acres located on the southwest corner at the intersection of US 29 By-Pass Highway and North Tryon Street from B-2 (general business) to TOD-R(O) (transit oriented development-residential, optional).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Added a note stating that the existing bench pad at the existing bus stop on North Tryon Street will remain. 2. Added a note committing to working with Orchard Trace community to provide a +/- 45-foot wide public street utility easement along existing Orchard Trace Lane from North Tryon Street to the proposed north/south public street B. 3. Added a note that the petition will remove existing pavement along “Mineral Springs Road” between Reagan Drive and North Tryon, retaining the parking lot and driveway connection at North Tryon Street after public street B is open and operational. Work with NCDOT to possibly abandon a portion of the existing US 29 By-Pass right-of-way. 4. Added a note that the petitioner will make modifications to Orchard Trace Drive to facilitate the new intersection of public street B. 5. Added a note that the location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points. 6. Staff rescinded the request to consider relocating Building 10 to public street B between Buildings 7 and 9 to help screen parking. This would eliminate the need for Optional Request 4. 7. Staff rescinded the request to consider relocating Building 11 to public street A between Buildings 6 and 7 to help screen parking. This would eliminate the need for Optional Request 3. 8. Changed the word “abandoned” to “abandonned” in Transportation Note 2. 9. Amended the maximum building height to reflect the proposed height as measured by the Zoning Ordinance. The amended height is 65 feet, a 15 foot increase above the 50 foot maximum recommended by the adopted transit station area plan. <p>The following items have been added or modified since the March 25th Zoning Committee meeting:</p> <ol style="list-style-type: none"> 1. Changed the proposed use to increase the number of multi-family units from 375 to 380 and eliminated other uses allowed in TOD-R (transit oriented development – residential). 2. Provided an additional building elevation and North Tryon Street cross-section. <p>The following issue are outstanding:</p> <ol style="list-style-type: none"> 1. Label the building elevations. 2. Eliminate the visible stair case from the carriage unit building facing North Tryon Street. <p>Attachment 21 (City Council Agenda April 20, 2015)</p>

6. [Petition No. 2015-023](#) (Outside City Limits) by Weldegebriel Ucbeab for a change in zoning for approximately 1.25 acres located on the northeast corner at the intersection of Harrisburg Road and Camp Stewart Road from R-3 (single family residential) to NS (neighborhood services).

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

Update: The following issues have been addressed:

1. Amended information under heading of Development Data to reflect proposed uses as a convenience store and automotive service station.
2. Amended note under heading of Permitted Uses to specify permitted uses as automotive service station and convenience store, and delete the following: "those uses and accessory uses that are permitted in the NS district."
3. Amended note under heading of Purpose to delete reference to a carwash.
4. Labeled elevations to reflect the abutting street names.
5. Complete a subdivision recombination for tax parcel 111-091-21 prior to a decision on this petition so required buffer will be located on the commercial property.
6. Providing a combination of berm, low masonry wall and/or landscaping to minimize the views of the drive-through lanes and pumps.
7. Provide a detail of the screen wall along Harrisburg Road.
8. Addressed Transportation issues as follows:
 - a. Ensured that a fuel delivery truck can maneuver through the site without encroaching upon the required vehicular queuing areas.
 - b. Set back of curb along Harrisburg Road a distance of 35 feet from the centerline of the existing roadway to accommodate a four-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
 - c. Set back of curb along Camp Stewart Road a distance of 24 feet from the centerline of the existing roadway to accommodate a two-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
 - d. Access to Harrisburg Road may be limited to a right-in-right-out condition depending on available intersection sight distance and other variables, to be determined by NCDOT and CDOT during the permitting phase
9. Specified no spandrel glass will be used along front and side elevations.

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

1. Added Note I under the heading of Transportation as follows: The petitioner agrees to pay up to \$50,000 toward the installation of a wooden pole traffic signal to be located at the intersection of Harrisburg Road and Camp Stewart Road.
2. Amended Note A under the heading of Lighting to state that detached lighting will be LED fixtures.
3. Added a note on the building elevations as follows: Window Note: All windows on this elevation are nontransparent, nonreflective, and nonmirrored, and not operable.

Update: The following issues are still outstanding:

1. Submit an amended rezoning application that reflects the reduction of acreage.
2. Specify building materials under heading of Architectural Standards.
3. Amend Note I under the heading of Transportation to reflect the amount the petitioner agrees to pay as \$60,000 instead of \$50,000.
4. Amend the note on the building elevations to delete the following: All windows on this elevation are nontransparent, nonreflective, and nonmirrored, and not operable.

[Attachment 33](#) (City Council Agenda March 16, 2015)

7. [Petition No. 2015-036](#) (Council District 6 - Smith) by Ryan Berger for a change in zoning for approximately 2.98 acres located on the west side of Monroe Road at the intersection of Orchard Lake Drive and Lucy Jane Lane from I-1(CD) (light industrial, conditional) to I-1(CD) SPA (light industrial, conditional, site plan amendment).

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

Update: The following issues have been addressed:

1. Ensured that no parking spaces are located within five feet of an exterior property line.
2. Screened all parking from abutting property and from public view from a public street.
3. Amended Note 6B to specify that building elevations should include a combination of clear glass, awnings, sunshades, and changes in material or similar architectural elements in combination with landscaping to provide visual interest along Monroe Road, at the pedestrian level.
4. Removed Note 2.B. as it is covered by Note 2.C.
5. Clarified the proposed use as a grocer.
6. Deleted Note 5.3B, which references Development Area 2.
7. Removed references to Development Areas 1A, 1B and 2 unless those areas are shown on the site plan.
8. Corrected Note 4.2.C. to reference the correct note.
9. Delete Notes 7B, D, F, and G, which are minimum ordinance standards.
10. Removed the reference to Note 7.B. in Note 8.1.A as it is not correct.
11. Deleted Notes 8.1C and F.
12. Addressed Transportation comments by labeling the existing and proposed right-of-ways along the site's street frontages, and dedicated 50 feet of right-of-way measured from the existing centerline of Monroe Road.

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

1. Sheet RZ-2 increased the maximum building square footage from 28,700 square feet to 30,727 square feet.

Update: The following issues are still outstanding:

1. Amend building elevations to remove reference to tenant signage.
2. Provide building elevations for Orchard Lake Drive. The corner of the building should serve as a gateway into the project.
3. Clearly illustrate an eight-foot planting strip and six-foot sidewalk along Monroe Road. Remove unnecessary labels so the aforementioned items are visible and illustrated with solid lines.
4. Amend Development Data Tables on Sheets RZ-2 and RZ-3 to reflect retail square footage as 30,727 square feet.

[Attachment 29](#) (City Council Agenda April 20, 2015)

8. [Petition No. 2015-037](#) (Council District 3 – Mayfield) by Dominick Ristaino for a change in zoning for approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay).

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.

[Attachment 38](#) (City Council Agenda March 16, 2015)

9. [Petition No. 2015-038](#) (Council District 7 – Driggs) by Meritage Homes of the Carolinas for a change in zoning for approximately 9.48 acres located on the west side of Providence Road between Cedar Croft Drive and Candlewyck Lane from R-15PUD (planned unit development) to R-4(CD) (single family residential, conditional) and INST(CD) (institutional, conditional).

Staff recommends approval of this petition.

Update: The following issues have been addressed:

	<ol style="list-style-type: none"> 1. The site plan has been revised to note proposed zonings as INST (CD) and R-4(CD). 2. The width of proposed sidewalks in the residential development are now labeled as five feet. 3. The width of the sidewalk extension that will connect to the sidewalk along Lawton Bluff Road is now specified on the site plan as five feet. 4. The proposed parking spaces (10 new spaces) for the existing religious institution are identified on the site plan. 5. Note 2a. under heading Permitted Uses has been placed under heading General Provisions. 6. Modified Signage note to read "Signage will be provided per ordinance." 7. Petitioner has indicated that pedestrian scale, freestanding lighting fixtures will be installed throughout the site along all internal roads at approximately 225-foot intervals. 8. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a. Added a private driveway access from the proposed residential subdivision to the church parking lot. b. Extended the minimum five-foot sidewalk from the end of the proposed public street through the religious institution parking lot to the existing sidewalk along Lawton Bluff Road. <p>Update: The following issues have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> 1. A note pertaining to installation of a traffic signal at the intersection of Candlewyck Lane and Providence Road has been added to the site plan. The note reads as follows: "Petitioner, if Petitioner purchases the property, agrees to deposit Eighty-Five Thousand Dollars (\$85,000) (the "Traffic Signal Deposit") into an escrow account held by an escrow agent of Petitioner's choosing when the site plan/construction plans are approved. If CDOT/NCDOT determines (by written notification delivered to Petitioner0 within two (2) years after approval of the Subdivision Plans that a traffic signal is justified at the intersection of Candlewyck Lane and Providence Road (the "Intersection") based on a traffic impact analysis with standards consistent with those used by CDOT/NCDOT for road intersections within the same classification as the Intersection, then the escrow agent shall deliver the Traffic Signal Deposit to CDOT/NCDOT, which shall be used by CDOT/NCDOT to install a traffic signal at the Intersection pursuant to a signal installation agreement between Petitioner between CDOT/NCDOT. If CDOT/NCDOT fails to make such determination within such 2-year period, then CDOT/NCDOT shall return the Traffic Signal Deposit to Petitioner." 2. A note has been added indicating a 10-foot landscape easement where existing vegetation will remain where feasible, and if cleared additional landscaping will be installed to provide a buffer. Proposed landscape easement is shown along the rear property lines of proposed Lots 7-13. 3. The site plan now shows a proposed speed hump in the existing church parking lot. 4. The proposed east/west road directly accessing Providence Road has been shifted slightly to the north. 5. The proposed number of additional spaces in the church parking lot has been reduced from 12 to 10. <p><u>Attachment 39</u> (City Council Agenda March 16, 2015)</p>
	<p>10. <u>Petition No. 2015-040</u> (Council District 1 - Kinsey) by Charlotte-Mecklenburg Planning Department to establish zoning for approximately 0.46 acres located on the north side of East Independence Boulevard and on the southeast corner at the intersection of Helton Way and Seegars Place to I-2 (PED) (general industrial, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><u>Attachment 30</u> (City Council Agenda April 20, 2015)</p>
	<p>11. <u>Petition No. 2015-041</u> (Council District 1 - Kinsey) by Off Camber Group, Inc. for a change in zoning for approximately 0.52 acres located near the northwest corner at the intersection of St. Mary Avenue and Buford Avenue west of Monroe Road from I-2 (general industrial) to I-1 (light</p>

	<p>industrial).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><u>Attachment 31</u> (City Council Agenda April 20, 2015)</p>
	<p>12. <u>Petition No. 2015-042</u> (Council District 1 - Kinsey) by Jim Donaldson for a change in zoning for approximately 2.51 acres located on the northeast corner at the intersection of Statesville Avenue and Woodward Avenue from NS (neighborhood services) and I-2 (general industrial) to NS(SPA) (neighborhood services, site plan amendment) and NS (neighborhood services).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Added a note stating that 60-foot of right-of-way will be dedicated along Statesville Avenue per previously approved rezoning 2008-073. 2. Added a note providing a 35-foot by 35-foot easement for future traffic signal poles, cabinets and other associated appurtenances at the corner of Statesville Avenue and Woodward Avenue. 3. Added a note that 30-foot right-of-way will be dedicated along the property's frontage on Woodward Avenue, measured from the centerline of the existing right-of-way. 4. Added a note that the petitioner will work with the owner of Parcel 07904301 in a good faith effort to eliminate the short section of substandard sidewalk along Statesville Avenue, and replace with an eight-foot wide planting strip and eight-foot wide sidewalk and any associate easements for construction and maintenance activities. 5. Revised the site plan to include a receiving curb ramp on the southeast quadrant of the intersection of Statesville Avenue and Woodward Avenue using a blended transition style curb ramp due to site constraints. 6. Staff rescinded the request to provide a pedestrian, sidewalk connection to the multi-family developments to the north of the site. 7. Provided "build to" lines along Statesville Avenue and Woodward Avenue. 8. Provided a note stating that "buildings located on Statesville and Woodward Avenues will be oriented to the street" and "street-facing walls are to be varied with a frequency of vertical landscape elements, community art, changes in material, and other architectural treatments, and expanses of blank walls over 20 feet are not to be allowed. All buildings are to have four sided architecture" to address the request to carry over architectural standards from the previously approved rezoning 2008-073. While the standards are verbatim they are acceptable to staff. 9. Provided conceptual scale building elevations for all sides and identified proposed building materials and features to clearly convey the appearance of the buildings and to indicate how the architectural standards will be addressed. 10. Amended the building facade and elevations along Statesville Avenue and Woodward Avenue by providing varying building elements, materials, and landscaping to animate the public realm and to avoid the appearance of expansive blank walls. <p>The following issue are outstanding:</p> <ol style="list-style-type: none"> 1. Provide additional trees/landscaping between the building and the sidewalk to soften the stark appearance of the street-facing facades. 2. Indicate the functionality of the louvers, if any, along Statesville Avenue. 3. Incorporate additional vertical architectural elements along the Woodward elevation to mitigate the expanse of blank wall and horizontal orientation of the building face. <p><u>Attachment 32</u> (City Council Agenda April 20, 2015)</p>
	<p>13. <u>Petition No. 2015-043</u> (Outside City Limit) by Prime Business, LLC for a change in zoning for approximately 4.98 acres located on the south side of Mallard Creek Road between Kings Grant Drive and Carolina Lily Lane from R-3 (single family residential) to NS (neighborhood services).</p>

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

Updated: The following issues have been addressed.

1. Eight-foot planting strips and six-foot sidewalks have been labeled and shown along Carolina Lily Lane and Mallard Creek Road.
2. A six-foot planting strip and five-foot sidewalk has been provided along one side of the private drive and labeled on the site plan.
3. A note has been added that the drive-through lane will be screened with a low masonry wall and landscaping if located along a public street.
4. Under transportation, Note "e" has been modified to read an eight-foot planting strip and six-foot sidewalk will be provided along site's frontage.
5. A note has been added that residential dwelling units are a prohibited use on the site.
6. Building setbacks along Mallard Creek Road and Carolina Lilly Lane have been labeled.
7. A note has been that the building façade facing the corner of Mallard Creek Road and Carolina Lily Lane will have windows and other architectural features.

Update: The following issue is still outstanding:

1. Address Transportation comments.

[Attachment 33](#) (City Council Agenda April 20, 2015)

14. [Petition No. 2015-045](#) (Council District 3 – Mayfield) by TWO Capital Partners, LLC for a change in zoning for approximately 16.98 acres located on the southwest corner at the intersection of Brown-Grier Road, West Arrowood Road, and Sandy Porter Road from R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional) and INST(CD) (institutional, conditional) to UR-2(CD) (urban residential, conditional).

Staff does not recommend approval of this petition.

Update: The following issues have been addressed:

1. Converted angled parking to parallel parking along the proposed public streets according to the standards of the Local Residential Wide street type.
2. Added the following condition to the site plan: "The properties shall be inspected for septic systems prior to any site development. Any septic tanks identified shall be pumped by a licensed waste hauler to removal residual contents, crushed and backfilled with suitable materials before site development begins."
3. Provided a greater mixture of building types with the addition of townhome style and carriage style buildings adjacent to the single family neighborhood and zoning with building heights limited to 40 feet within 100 feet of the western and southern property lines.
4. Amended Note 1. d. to change "principal building" at the end of the note to "principal buildings".
5. Removed "private streets" when referencing network required streets. The network required streets need to be public.
6. Amended the proposed use to commit to a minimum number of carriage style and townhome style buildings to be provided. Specified that carriage units will be above garages.
7. Specified that the 271 multi-family units allowed include all unit types and 20 buildings is the total number of residential structures allowed.
8. Deleted the last sentence of Note 3. b. and amend the site plan to reflect that proposed streets, sidewalks and planting strips will be constructed according to Subdivision Ordinance standards.
9. Provided a note stating that if the easements necessary for the sidewalk extension as specified in Note 3. e. are not obtained prior to the issuance of the final Certificate of Occupancy then the petitioner will contribute up to \$10,000 towards the construction of the sidewalk extension.
10. Amended Note 3.h. to refer to Sandy Porter Road rather than Brown-Grier Road.
11. Connected internal sidewalks at the parking lots to the sidewalk along Brown-Grier and Sandy Porter Road.
12. Provided typical dimensions for the sidewalk and planting strips on the proposed public

streets.

13. Provided a note stating that if possible existing large maturing trees will be preserved within the 30-foot minimum setback and that the sidewalk may meander in the 30-foot setback to meet this intent.
14. Provided a note stating that no parking is permitted between the buildings and the public and private streets except as generally depicted on the schematic site plan.
15. Provided a note committing to building orientation towards internal public and network required streets.
16. Removed the second part of Note 4. c. that states "as long as the average of the percentage of brick, stone, precast stone, precast concrete, synthetic stone on all the principal buildings constructed on the site is not less than 35%."
17. Specified that Note 5. i. does not apply to sidewalks along the proposed public streets. These sidewalks shall be eight feet in width, with an eight-foot planting strip.
18. Amended Note 7. b. to read "At the ground floor level of the buildings facing, along Brown Grier and Sandy Porter Roads and the internal public streets with a maximum contiguous area without windows or doors not to exceed 15 feet in length."
19. Amended Note 7. e. to change the word "build" to "building."
20. Amended Site Development Data for Maximum Building Height to clarify the maximum building heights. Maximum building height will not exceed 3 stories or 50 feet and no buildings over 40 feet will be permitted within 100 feet of the western and southern property boundaries.
21. Provided typical building elevations for facades facing public streets (front and side). Include elevations for townhome unit facades that face the public streets.
22. Amended the rendering to illustrate the maximum building height of three stories.
23. Specified a minimum of 40% open space, as defined by the Ordinance, will be provided.
24. Extended the 50-foot undisturbed buffer along the southern property line as closely as possible to Carriage Unit # 4.

The following items have been added or modified since the March 25th Zoning Committee meeting:

1. Reduced the number of units to 271, 20 less than originally proposed, resulting in a proposed density of 15.91 units per acre.
2. Eliminated a multi-family building and added townhome style units. Specified that townhome style units will be designed as side by side units with or without garages.
3. Added a note committing to landscaping the setback to class C buffer standards along Brown Grier Road between the intersection of Sandy Porter Road and the tree save area in front of building number three.
4. Added a new section of notes dealing with buffer, wall and building treatments along the southern property boundary adjacent to parcel 201-473-01.

The following issue are outstanding:

1. Convert the land use to single family residential and reduce the density to four dwelling units per acre for the portions zoned R-3 (single family residential).
2. Reduce the density to eight units per acre for the portions of the property zoned R-8MF (CD) (multi-family residential, conditional) and INST (CD) (institutional conditional).

Attachment 35 (City Council Agenda April 20, 2015)