

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, RM 280**  
**June 24, 2015**  
**4:30 P.M.**

<p><b>Protest (Sufficient)</b></p>	<p>1. <a href="#">Petition No. 2014-019</a> (Outside City Limits) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC, (commercial center) to R-4 (single family residential).</p> <p>Update: The property owner is converting this petition to a conditional request. The Zoning Committee action should be to consider recommending a new public hearing on this petition to City Council.</p> <p><a href="#">Attachment 23</a> (City Council Agenda February 17, 2014)</p>
	<p>2. <a href="#">Petition No. 2014-100</a> (Council District 1 - Kinsey) <b>by Flywheel Group, LLC</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(CD) (transit oriented development - mixed-use, conditional).</p> <p>Staff is recommends approval upon resolution of the outstanding issue.</p> <p>The following issue is outstanding:</p> <p>1. <b>Modify Note 9 to read, "Greenway Dedication to Mecklenburg County will be completed prior to TOD-M review and approval."</b></p> <p><a href="#">Attachment 15</a> (City Council Agenda June 15, 2015)</p>
	<p>3. <a href="#">Petition No. 2014-101</a> (Council District 2 - Austin) <b>by Charles M. Shelton, Jr.</b> for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5(CD) (single family residential, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following items have been addressed:</p> <ol style="list-style-type: none"> <li>1. Under heading General Provisions, language has been amended to correctly reference Section 6.207 of the Zoning Ordinance.</li> <li>2. Under heading General Provisions, portion of Note 4 that states each dwelling unit shall be required to be a member of a HOA as this statement cannot be enforced has been removed from the site plan.</li> <li>3. Proposed common open space area(s) are now labeled on the site plan.</li> <li>4. A note has been added that states the frontage along Reames Road will comply with Section 12.308 of the Zoning Ordinance regardless of the orientation of the homes.</li> <li>5. Portion of Streetscape and Landscaping Note 1 that proposes to establish the right-of-way to the property of Parcel 037-176-02 <u>without disturbing the vegetation within 20 feet of the property line</u> has been removed from site plan. Staff has rescinded the request that as an option the petitioner consider installing plant materials at the rear of Parcel 037-176-02 as a fence is proposed to screen the property.</li> <li>6. Language has been added that states landscaping and screening will meet or exceed the requirements of Section 12.308.</li> <li>7. Petitioner has provided the following noise mitigation measures for I-77: <ol style="list-style-type: none"> <li>a. A minimum of a Class "A" vegetative buffer is required behind lots 22-26 with a six-foot high wooden fence. Fence will extend along the north property line of Lot 26. The existing vegetation shall be used in determining the vegetative density.</li> <li>b. If NCDOT proceeds with the noise abatement wall per the June 2015 plan, the petitioner is not responsible for fence and Class A buffer as stated in previous note.</li> <li>c. If the homes are constructed prior to the NCDOT installation of the noise abatement</li> </ol> </li> </ol>

	<p>wall as stated above, the home builder and/or the developer is to provide noise abatement as stated in above.</p> <ol style="list-style-type: none"> <li>8. Site Utilities and Solid Waste headings and notes have been removed from the site plan.</li> <li>9. Streetscape and Landscaping Note 8 has been corrected to reference parcel "037-176-02 26" and "Lot 26".</li> <li>10. Added a note that states signs will be in accordance with the ordinance. Staff rescinded the comment to remove references to signage as this an agreement with other property owners in the area.</li> <li>11. Addressed Storm Water comment by removing Notes 1 and 4 in their entirety.</li> </ol> <p>Update: The following items have been added or modified since the public hearing:</p> <ol style="list-style-type: none"> <li>1. A note has been added stating that driveways shall be a minimum of 20 feet beyond the sidewalk for parking purposes.</li> <li>2. A note under has been added stating that all homes will have a minimum of 10 brushes, one tree and sodded front yards.</li> <li>3. A note under Common Area and Amenities has been added stating picnic tables and walking trail will be provided in common area near Lots 44 and 71.</li> <li>4. A note under Common Area and Amenities has been added stating additional amenities are possible within the provided (common) area after site engineering determines the size of the stormwater BMPs.</li> <li>5. Amended Architectural Standards note 1 to state no vinyl siding is permitted on the front of the homes materials shall be hardiboard, stone, brick or comparable products.</li> <li>6. Amended Architectural Standards Note 3 tot state that Lots 1, 43, 44 and 71 must have at least one functional window on the west elevation of the home and have a minimum of two different types of building materials.</li> <li>7. Added new Architectural Standards Note 4 that states like building elevations shall not be on adjacent properties and directly across the street.</li> <li>8. Streetscape and Landscaping Note 8 has been amended to state that the proposed six-foot high wooden privacy fence will also contain brick columns every 50 feet along the rear of Lots 27-43 and along the south of the undisturbed buffer for parcel 03717602 and along the side of Lot 26.</li> <li>9. A Typical Fence Section depicting the proposed six-foot high wooden privacy fence with brick columns 50 feet on center minimum has been added to the site plan.</li> <li>10. Amended Berm and evergreen Screen at Reames Road cross section to note that NCDOT to determine if streets are to be permitted in the planting strip. Cross section has been modified to shift the location of the sidewalk and planting strip and the locations of the berm and planting materials.</li> <li>11. Amended labeling on Sheet 1 of site plan in reference to landscaping along Reames Road to state a landscaped berm to be provided in accordance with ordinance 12.308.</li> <li>12. Amended labeling on Sheet 1 of site plan to note proposed picnic tables and five-foot walk path near Lots 44 and 71.</li> <li>13. Amended labeling on Sheet 1 of site plan to state area for water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.</li> <li>14. Added labeling on Sheet 1 of site plan to note street trees will meet ordinance requirements in terms of spacing, graphic representation only.</li> <li>15. Added labeling to Sheet 1 of site plan to note that fence shown is for graphical purposes only; see noise abatement notes on Sheet 2 of 2.</li> </ol> <p><a href="#"><u>Attachment 16</u></a> (City Council Agenda June 15, 2015)</p>
<p><b>Protest (Sufficient)</b></p>	<ol style="list-style-type: none"> <li>4. <a href="#"><u>Petition No. 2014-110</u></a> (Council District 1 – Kinsey) <b>by 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).</li> </ol> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Update: The following issues have been addressed:</p>

1. Revised the site plan so that proposed single family attached lots 10-12 along Thurmond Place are served by single car garages and reduced the number of curb cuts from three to two in order to address the transportation request to either "rear loaded" and face Thurmond Place or removed from the petition entirely to limit the number of driveways along Thurmond Place
2. Removed the existing holly hedges to prevent a sight distance obstruction and safety concern for vehicles and pedestrians at driveway locations along Thurmond Place.
3. Provided notes restricting overlap in swimming pool events with activities at the house and grounds.
4. Limited maximum number of guests at events to 325 except for one event per calendar year and limited the maximum number of members of the swim club to 420, prohibits swim meets or swimming competitions involving a swim team(s) not solely comprised of the members, specifies swim club hours of operation and prohibits a bubble or other enclosure to allow off-season use of the pool.
5. Removed the off-site parking details from the site plan and provided a note committing to at least 41 off-site parking spaces that meet the standards of Section 9.8507 Parking Standards (6) in the Zoning Ordinance.
6. Reduced the number of curb cuts from three to two and reduced the size of garages from two cars to one car to address the request to provide rear loaded garages for units at the southern end of Thurmond Avenue or change the building design to reduce the number of driveways and orient the units to the street.
7. Staff rescinded the request to break up the attached units along Thurmond north of the carriage house into multiple buildings. These could be duplexes, triplexes, and/or quadraplexes. Size, scale, and design of these residential structures should be similar to the existing carriage house and buildings should be oriented to the street because the petition preserves the existing, mature 15-foot tall hedge row which screens the view of the units north of the carriage house along Thurmond Place.
8. Provided pedestrian connections from the proposed residential units to the public sidewalk.
9. Staff rescinded the request to provide the required 10-foot buffer at the rear of the off-site parking lot and provide the required five-foot wide screening to the north and south, and along The Plaza because the petitioner removed the off-site parking details from the plans per request number 6 above.
10. Staff rescinded the request to eliminate or amend Optional Provisions Note B because the petitioner reduced the number of curb cuts from three to two and reduced the size of the garages and driveways to be single car width.
11. Amended existing and proposed zoning to include the historic district overlay designation.

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

1. Moved the proposed location of the pool from Belvedere frontage to The Plaza frontage.
2. Reduced the number of proposed dwelling units from 19 to 18.
3. Specified on-street parking to be provided along the north side of Belvedere, on-street parking is not allowed on either side of Thurmond Place.
4. Provided additional architectural commitments per Historic District Commission approval.
5. Added building elevations for townhomes and pool house.
6. Added optional request to allow only internal pedestrian sidewalks and sidewalk connections as depicted on the site plan.
7. Added optional request to allow valet parking service between the building and the street.
8. Reduced the number of parking spaces provided from 160 to 128 due to the elimination of 24 proposed on-street parking spaces directly adjacent to the site, reduction of seven offsite and one onsite spaces.

The following issues are outstanding:

1. Provide an offsite parking agreement for at least 41 off-site parking spaces per Section 9.8507 of the Zoning Ordinance prior to zoning decision.
2. Amend optional provision note B to reflect units 10-12.

**Attachment 21** (City Council Agenda January 20, 2015)

**Protest  
(Sufficient)**

5. [Petition No. 2015-014](#) (Council District 6 - Smith) by **Park Sharon Properties, LLC** for a change in zoning for approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).

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

Update: The following issues have been addressed:

1. Labeled the 10-foot landscape/buffer area referenced in Note F under the heading of Streetscape and Landscaping/Screening. Amended Note F under Streetscape and Landscaping/Screening as follows: A minimum 10-foot wide landscape area shall be established along that portion of the site's boundary adjacent to tax parcel 179-112-38 as more particularly depicted on the rezoning plan. Trees and shrubs shall be installed within this 10-foot wide landscape/buffer area in accordance with the landscape plan on the rezoning plan.
2. Amended Note I under the heading of Streetscape and Landscaping/Screening to clarify the location of the yards referenced as follows: Fences may be installed to enclose the yards of the single family attached dwelling units at the option of the petitioner or the ultimate owners of the single family attached dwelling units. The potential locations of these optional fences are depicted on the rezoning plan; however, the ultimate locations of any such fences may deviate from what is depicted on the rezoning plan due to the final grade of the site.
3. Revised the site plan to label the portion of the proposed access on Sharon Road that stubs to abutting residential property located north of the subject property as a public Residential Medium street. Amended Note I under the heading of Transportation to state that the proposed street shall terminate at a point 32 to 40 feet from the northerly boundary line of the site, and the petitioner shall dedicate right-of-way from the terminus of the improvements relating to the Residential Medium Street to the northerly boundary line of the site as depicted on the rezoning plan to accommodate a potential future vehicular connection to the parcels of land located to the north of the site in the event such parcels are redeveloped.
4. Amended Note G under the heading of Architectural Standards to specify that the permitted exterior building materials for the elevations of the multi-family buildings that front Sharon Road and Park Road are designated and labelled on the conceptual architectural renderings set out on Sheet RZ-s and these exterior building materials shall be utilized on all elevations of the multi-family building (i.e. brick predominantly utilized on all sides of the multi-family building). The use of cementitious siding shall be permitted for accent features which shall include, but not be limited to, bay windows, dormers, shed roofs and gables.
5. Amended Note E under heading of Transportation to delete the word "shelter" and instead reference bus concrete waiting pad.
6. Along the entire Sharon Road frontage, replacing the back of curb sidewalk with an eight-foot wide planting strip and a six-foot wide sidewalk.

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

1. Reduced the number of for sale single family attached dwelling units from 19 to 18 units.
2. Petitioner shall, at its sole cost and expenses, restripe that portion of Sharon Road that is more particularly depicted on the rezoning plan as depicted on the rezoning plan. The restriping of Sharon Road shall be completed by Petitioner prior to the issuance of a certificate of occupancy for the first new building constructed on the site.
3. Petitioner shall construct that portion of the public Residential Medium Street that is depicted on the rezoning plan. As depicted on the rezoning plan, the Residential Medium Street and any improvements relating thereto shall terminate at a point located approximately 32 to 40 feet from the northerly boundary line of the site. Petitioner shall dedicate right-of-way from the terminus of the improvements relating to the Residential Medium Street to the northerly boundary line of the site as depicted on the rezoning plan to accommodate a potential future vehicular connection to the parcels of land located to the north of the site in the event that such parcels are redeveloped. This right-of-way area shall remain unimproved except for a fence and landscaping until such time that the Residential Medium Street is extended to the northerly boundary line of

the site in connection with the redevelopment of the parcels of land located to the north of the site.

4. Prior to the issuance of a certificate of occupancy for the first new building constructed on the site, the petitioner shall submit the sum of \$12,000 or a letter of credit in the amount of \$12,000, to CDOT to pay for and fund the installation of a pedestrian refuge in Sharon Road. This \$12,000 payment, or letter of credit, shall be held by CDOT for the three year period commencing on the date of the issuance of a certificate of occupancy for the first new building constructed on the site. If CDOT makes the decision to install the pedestrian refuge within this three year period, then these funds shall be used by CDOT to pay for the installation of the pedestrian refuge. If CDOT does not make the decision to install the pedestrian refuge within this three year period or determines not to install the pedestrian refuge prior to the expiration of this three year period, then the \$12,000 payment of the letter of credit shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement.
5. The maximum height in feet of the multi-family building shall be 50 feet as measured from the average grade at the base of the structure.
6. The maximum height in feet of the multi-family building as measured only from that specific point on Sharon Road designated as "Point A- Elevation 680 Feet" on the rezoning plan shall be 55 feet.
7. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the structure.
8. Amended Note F under Architectural Standards as follows: Set out on Sheet RZ-2 are conceptual architectural renderings of the elevations of the multi-family building that front Sharon Road and Park Road that are intended to depict the general conceptual architectural style and character of the elevations of the multi-family building that front these public streets. Accordingly, the elevations of the multi-family building that front Sharon Road and Park Road shall be designed and constructed so that such elevations are substantially similar in appearance to the conceptual architectural renderings set out on Sheet RZ-2 with respect to architectural style, character and primary building materials. Notwithstanding the foregoing, changes and alterations to the elevations of the multi-family building that front the relevant public streets which do not materially change the overall conceptual architectural style and character shall be permitted.
9. Amended Note H under Architectural Standards as follows: Set out on Sheet RZ-2 are conceptual architectural renderings of the front elevation of the single family attached dwelling units that will face Sharon Road and the boundaries of the site (designated as the "Exterior Facing Townhome Elevation") and conceptual architectural renderings of the rear elevation of the single family attached dwelling units that will face the internal portions of the site (designated as the "Interior Facing Townhome Elevation") that are intended to depict the general conceptual architectural style and character of the front and rear elevations of the single family attached dwelling units. Accordingly, the front elevation of the single family attached dwelling units shall be designed and constructed so that such elevation is substantially similar in appearance to the Exterior Facing Townhome Elevation with respect to architectural style, character and primary building materials, and the rear elevation of the single family attached dwelling units shall be designed and constructed so that such elevation is substantially similar in appearance to the Interior Facing Townhome Elevation with respect to architectural style, character and primary building materials. Notwithstanding the foregoing, changes and alterations which do not materially change the overall conceptual architectural style and character shall be permitted. Additionally, notwithstanding the above, the single family attached dwelling units may utilize a hip roof, a gable roof or a combination thereof.
10. Amended Note I under Architectural Standards as follows: The permitted exterior building materials for the single family attached dwelling units are designated and labelled on the Exterior Facing Townhome Elevation and the Interior Facing Townhome Elevation set out on Sheet RZ-2, and these exterior building materials shall be utilized on the side elevations of the single family attached dwelling units (i.e. brick predominantly utilized on all sides of the single family attached dwelling units). The use of cementitious siding shall be permitted for accent features, which shall include but not be limited to bay windows, dormers, shed roofs, and gables.
11. Amended Note D under Streetscape and Landscaping/Screening as follows: A minimum 30-foot wide landscape area shall be established along those boundaries of the site that are more particularly depicted on the rezoning plan. Trees and shrubs shall be installed within this 30-foot wide landscape area in accordance with the landscape plan on the rezoning plan. The 30-foot wide landscape area is a portion of the site's tree save area

	<p>under the Tree Ordinance, and petitioner will comply with the requirements of the Tree Ordinance with respect to the preservation of trees located within the 30-foot wide landscape area.</p> <ol style="list-style-type: none"> <li>12. Petitioner may remove trees from the 30-foot wide landscape area as required to install the fence described below in paragraph G within the 30-foot wide landscape area. Petitioner shall take reasonable measures to minimize the loss of trees in connection with the installation of the fence, including meandering the fence up to five feet from a centerline bearing.</li> <li>13. Amended Note G under Streetscape and Landscaping/Screening to specify that the petitioner shall install a minimum six-foot tall fence within the 30-foot wide landscape area as depicted on the rezoning plan, and the fence may meander up to five feet from a centerline bearing.</li> <li>14. Amended Note H under Streetscape and Landscaping/Screening to specify that the petitioner shall install a minimum seven-foot tall wall along that portion of the site's boundary adjacent to tax parcel 179-112-38.</li> <li>15. Amended Note I under Streetscape and Landscaping/Screening as follows: Fences may be installed to enclose the yards of the single family attached dwelling units at the option of the petitioner or the ultimate owners of the single family attached dwelling units. The potential locations of these optional fences are depicted on the rezoning plan; however, the ultimate locations of any such fences may deviate from what is depicted on the rezoning plan due to the final grade of the site.</li> <li>16. Construction activities may not be conducted on the site on Sundays.</li> <li>17. Any construction activities conducted on the site on Saturdays may not commence prior to 8:30 a.m. and must cease by 7 p.m.</li> <li>18. Concrete may be poured on the site only between the hours of 7 a.m. and 8 p.m.</li> <li>19. Amended Elevations on Sheet RZ-2 to amend the Perimeter Fence Detail to reflect prefinished black aluminum (simulated wrought iron) fence pickets and rails and prefinished black aluminum (simulated wrought iron) fence post.</li> <li>20. Amended Elevations on Sheet RZ-2 to label Elevation 03 as Exterior Facing Townhome Elevation.</li> <li>21. Amended Elevations on Sheet RZ-2 to add Elevation 07 Interior Facing Townhome Elevation.</li> </ol> <p>The following items are outstanding:</p> <ol style="list-style-type: none"> <li>1. Locate the future back-of curb on the site plan and measure the setback from the future back of curb, instead of the right-of-way line.</li> <li>2. Address Transportation comments as follows:       <ol style="list-style-type: none"> <li>a. The future curb line of Sharon Road should accommodate 43 total feet of pavement width. Revise the site plan view to provide dimensions and notes, and revise notes under the heading of Transportation to reflect the following improvements:           <ol style="list-style-type: none"> <li>1. Within the existing splitter island at the intersection of Park Road along Sharon Road, relocate the curb line to create a five-foot wide bicycle lane.</li> <li>2. Along the site's frontage where existing curb and gutter is present, relocate the curb line to create a five-foot wide bicycle lane.</li> <li>3. Establish the new back of curb location at 24 feet from center line where curb and gutter does not exist.</li> <li>4. Make necessary modifications at the splitter island such as relocating curb ramps, relocating pedestrian signal poles, remarking crosswalks, and any other modifications or various appurtenances deemed necessary by CDOT.</li> </ol> </li> <li>b. Revise the site plan to include dedication of a minimum 50-foot wide easement in which the internal private street can be extended at a future date should the parcels to the north redevelop.</li> </ol> </li> </ol> <p><b><u>Attachment 22</u></b> (City Council Agenda May 18, 2015)</p>
	<ol style="list-style-type: none"> <li>6. <b><u>Petition No. 2015-026</u></b> (Council District 1 – Kinsey) by <b>Robert Drakeford</b> for a change in zoning for approximately 1.14 acre located on the north and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road from R-5 (single family residential) to UR-2(CD) (urban residential, conditional).</li> </ol> <p>Staff recommends approval of this petition.</p>

Update: The following issues have been addressed:

1. Labeled the area on the north side of McClintock Road as Area A and the area on the south side of McClintock Road as Area B.
2. Amended Note 4E to reflect a six-foot sidewalk and eight-foot planting strip along St. Julien Street.
3. Added a note that no garage shall be oriented toward a public street.
4. Addressed Storm Water Services comments by amending Note 7A under Environmental Features as follows: The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance.

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

1. Added a note that no garage shall be oriented toward a public street.
2. Homes constructed on the site will have raised brick foundations with brick porch steps/stoops and brick porch columns standing five feet above finished grade minimum. Building materials will consist of two variations of hardi panel siding per home with windows.
3. Corner Lot #6 in Area A will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
4. Corner Lot #4 in Area B will have at least three windows on the ground floor and three on the second floor for the side of the house facing St. Julien Street to avoid blank walls.
5. The side of garage #6 in Area A and garage #4 in Area B will have a window on the side facing St. Julien Street.
6. Homes on Lots 5, 6, and 7 in Area A will be two stories maximum and homes on Lots 1, 2, 3 and 4 will be three stories maximum.
7. Homes on Lots 3 and 4 in Area B will be two stories maximum and Lots 1, 2 and 5 will be three stories maximum.
8. Garages on Lots 1 and 7 in Area A will be a maximum of one story. Garages on Lots 2, 3, 4, 5 and 6 will have optional heating living space above.
9. All garages in Area B will have optional heating living space above.
10. Homes in Area A will have a 25-foot minimum setback measured from the property line.
11. The home on Lot #7 in Area A will have a 45-foot minimum front setback as measured from the back of curb on St. Julien Street.
12. Homes in Area B facing McClintock Road will have a 20-foot minimum front setback measured from the back of curb of McClintock Road.
13. The home on Lot 5 in Area B will have a 30-foot minimum front setback as measured from the back of curb on St. Julien Street.
14. A 20-foot minimum setback for heated living space as measured from back of curb for side of homes facing St. Julien Street will be provided. A 16-foot minimum overall setback measured from back of curb for side of homes facing St. Julien Street will be provided.
15. Evergreen foundation shrubs will be planted where applicable along the side of homes facing St. Julien Street, which will be 30 inches tall and spaced five feet on center at installation.
16. Evergreen shrubs will be planted along the northwest corner of the alley facing St. Julien Street for screening in Area A. Shrubs will be 30 inches tall and spaced five feet on center at installation.
17. A five-foot tall privacy fence will be installed at the northern corner of Area A behind homes on Lots 1 and 7.
18. Amended Note H under heading of Architectural Standards as follows: Home Numbers 1 and 7 north of McClintock Road, Area A, will be one story maximum. Home numbers 2, 3, 4, 5, and 6 garages will have optional heated living space above. This space will be additional living space for the primary homes.
19. Amended Note I under heading of Architectural Standards as follows: Garages for home numbers 1, 2, 3, 4, and 5 located south of McClintock Road in Area B will have optional heated living space above. This space will be additional living space for the primary home.

**Attachment 19** (City Council Agenda June 15, 2015)

7. [Petition No. 2015-039](#) (Council District 1 – Kinsey) by **DAMBCA, LLC** for a change in zoning for approximately 1.644 acres located on the east side of Matheson Avenue between North Brevard Street and North Davidson Street from R-5 (single family residential), I-2 (general industrial), and MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development - mixed-use, optional).

Staff does not support this petition in its current form.

Update: The following items have been addressed:

1. Optional Provision request pertaining to height now references new Building Height Exhibit as it relates to proposed height along North Davidson Street.
2. Optional Provision request pertaining to height now references new Building Height Exhibit as it relates to proposed height along Matheson Avenue.
3. Provide development notes on Sheet RZ-2.0 of the site plan for maximum building heights and locations that correspond to what is shown on the site plan and per comments.
4. Optional Provisions language and Architectural and Design Standards language have been revised to reference new Building Height Exhibit (Sheet RZ5.0) as it relates to proposed height along North Davidson Street, Matheson Avenue and the property line that abuts existing residential along Faison Avenue.
5. Added Architectural and Design Standards language stating that the exterior building materials for the building to be constructed on the site will be a combination of the following: brick along the base of the building, cementitious siding, corrugated metal siding, metal grates, metal canopies, metal railings and/or aluminum railings, aluminum storefront and a metal standing seam roof. Vinyl as an exterior building material may only be used on windows and soffits.

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

1. Removed the portion of the rezoning site with frontage on Faison Avenue from the site plan.
2. Amended Site Data to reflect reduction in acreage as a result of removing portion of rezoning site with frontage on Faison Avenue.
3. Modified General Provisions Note A to reflect decrease in acreage.
4. Modified Optional Provision A to state the maximum heights of the building to be constructed on the site shall be provided on the building height Exhibit attached to the rezoning plan.
5. Added an optional provision request as follows: "The building height exhibit designates the maximum heights of the parapet of the building along the edges or perimeter of the building. The roof of the building will be below the immediately adjacent parapet of the building. The heights of the parapet are measured from the average grade at the base of the building to the top of the parapet.
6. Added an optional provision request as follows: "A "NODA" sign shall be installed by petitioner on the southeast corner of the building as generally depicted on the conceptual architectural rendering of the North Davidson Street elevation of the building. The "NODA" sign shall not exceed 36 square feet in size. In addition to the "NODA" sign, petitioner may install any other signs on the building or on the site that are permitted in the TOD-M zoning district, and the "NODA" sign shall not count towards the maximum number of signs allowed on the building or on the site or towards the total maximum sign surface area allowed. The design of the "NODA" sign may vary from the design depicted on the conceptual architectural rendering of the North Davidson Street elevation of the building."
7. Added an optional provision request as follows: "The total maximum sign surface area of the signs installed on the building may exceed the maximum allowed under the ordinance by 15% as noted above. The sign surface area of the "NODA" sign shall not count towards the maximum sign surface area allowed."
8. Added Architectural and Design Standards language that states the building height exhibit designates the maximum heights of the parapet of the building along the edges or perimeter of the building. The roof of the building will be below the immediately adjacent parapet of the building. The heights of the parapet are measured from the average grade at the base of the building to the top of the parapet.
9. Added Architectural and Design Standards language that states as depicted on the

	<p>conceptual architectural rendering of the North Davidson Street elevation of the building, four display enclosures or cases shall be located on this elevation of the building for the display of murals and/or art work provided by local artists or others.</p> <ol style="list-style-type: none"> <li>10. Added Architectural and Design Standards language that states space will be reserved on the Matheson Avenue edge of the site for a potential sculpture. Petitioner shall not be required to provide or install a sculpture on the site, but shall be required to reserve a space for a sculpture if provided by local artists or others.</li> <li>11. Added Environmental Features heading and language that states the 20-foot streamside zone portion of the 35-foot wide SWIM buffer shall remain undisturbed.</li> <li>12. Modified building elevations by relabeling, and to incorporate additional information regarding elevation datum as related to Matheson Avenue.</li> <li>13. Added Sheet RZ-4.0 entitled Building Rendering and Height Exhibit, providing a detail of North Davidson Avenue Streetscape with building elevations, maximum building height, and elevation datum as relates to Matheson Avenue. Detail also illustrates relationship between existing residential development on Faison Avenue and proposed building.</li> <li>14. Color rendering on Sheet RZ-4.0 has been modified to reflect possible locations of murals and art work on elevation facing North Davidson Avenue. Color rendering also now incorporates proposed signage locations.</li> <li>15. Added new Sheet RZ-5.0 entitled Building Height Exhibit that identifies proposed maximum building heights at certain locations (not to exceed 60 feet).</li> </ol> <p><b>Update:</b> The following item remain outstanding:</p> <ol style="list-style-type: none"> <li>1. Amend labeling and building footprint on former Sheet RZ-2.0 of site plan to reflect adherence to the TOD zoning district height plane requirement as it relates to the existing single family residences along Faison Avenue.</li> </ol> <p><b>Update:</b> The following items are outstanding as a result of the revised site plan submitted on June 19, 2015:</p> <ol style="list-style-type: none"> <li>1. Remove reference to R-5 in the Site Data as the petitioner now proposed to remove this portion of the site from the request.</li> <li>2. Add street names to Building Height Exhibit Sheet RZ5.0 to provide better assist in determining proposed locations of varying building heights. Also, provide a North arrow.</li> <li>3. Amend all site plan sheets (including development notes and elevations) to reflect adherence to TOD zoning district height plane requirement as it relates to the existing single family residences along Faison Avenue.</li> <li>4. The North Davidson Street and Faison Avenue elevations provided on Sheets RZ-3.0 and 4.0 appear to be inconsistent with what is noted on Sheet RZ-5.0.</li> </ol> <p><b><u>Attachment 20</u></b> (City Council Agenda June 15, 2015)</p>
	<ol style="list-style-type: none"> <li>8. <b><u>Petition No. 2015-050</u></b> (Council District 4 – Phipps) <b>by Bukola Olasimbo</b> for a change in zoning for approximately 0.47 acres located on the west side of Derita Avenue between Maple Street and Hewitt Drive from R-3 (single family residential) to INST(CD) (institutional, conditional).</li> </ol> <p>Staff recommends a one-month deferral of the petition in order to allow the petitioner to resolve the outstanding transportation issues.</p> <p><b>Update:</b> The following issues are outstanding:</p> <ol style="list-style-type: none"> <li>1. Amend Development Data Table to align the minimum parking spaces to be provided with the number of parking spaces shown on the site plan.</li> <li>2. After reviewing the subject site, and based on the proposed trip generation and CDOT's experience with drop-off and pick-up operations for child care facilities, CDOT does not believe the site is large enough to accommodate the necessary traffic circulation for the proposed land use. Parking spots are limited and a safe drop-off area is not provided. During peak drop-off and pick-up hours this site could become saturated and potentially cause queuing into the street.</li> </ol> <p><b><u>Attachment 21</u></b> (City Council Agenda June 15, 2015)</p>

9. [Petition No. 2015-054](#) (Council District 3 – Mayfield) **by Childress Klein** for a change in zoning for approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road from B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).

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

Update: The following items have been addressed:

1. Eliminate all uses except for the gas station. Staff has rescinded this request because the petitioner has provided two development scenarios for the property to allow flexibility.
2. Permitted Uses and Development Area Limitation Note 2b has been added the site plan stating that prior to issuance of certificates of occupancy, petitioner will receive approval of an administrative approval request that accurately reflects uses, maximum square footage not to exceed 120,000 square feet.
3. General Provisions Note 1d has been modified to state that the total number of principal buildings to be developed on the site shall not exceed one.
4. Petitioner has removed second sentence in General Provisions Note 1e.
5. Language under heading Signage has been modified to state signage will be provided per ordinance.
6. Site plan now limit detached lighting to a maximum height of 25 feet.

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

1. Added an "Alternate Plan" detail to the site plan that shows a building footprint reflective of uses as permitted in the B-1 district not involving fuel sales or a fast food restaurant with drive-through windows.
2. Modified information under Site Data by adding language to Maximum Gross SF of Development stating that identifies use restrictions regarding a convenience store with gasoline sales, a fast food restaurant with drive-through windows, or in the alternative, gasoline with limited retail sales uses that are operated in conjunction with a grocery store use within the adjacent York Ridge Shopping Center.
3. Revised Permitted Uses and Development Area Limitation Note 2a to state: "The Site may be developed with either (i) gasoline with limited retail sales uses that are operated in conjunction with a grocery store use located within the Adjacent York Ridge Shopping Center now or in the future, provided such uses shall be located within a building containing no greater than 1,000 square feet of gross floor area and gasoline is dispensed in no greater than 12 individual gas pumps (individual gas pumps refers to nozzle placed into gas tank of a vehicle not to fueling stations that may contain multiple pumps); OR (ii) with up to 10,000 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1 zoning district, including without limitation, personal service uses as defined below; provided, however, except for the limited gasoline with retail sales described in (i) above, in no event shall a convenience store with gasoline sales use, an automobile service station, or a fast food restaurant with drive-through window facility be located on Site."

Update: The following items remain outstanding:

1. Adjust the west rezoning line so that it does not bisect parking spaces.
2. Remove bullets under Note 1c as this information is already covered with reference to Section 6.207 of the ordinance.

Update: As a result of the revised site plan, the following item is outstanding:

1. Amend language to state that the administrative approval will be issued prior to the issuance of building permits.

[Attachment 22](#) (City Council Agenda June 15, 2015)

	<p>10. <a href="#">Petition No. 2015-057</a> (Council District 6 – Smith) <b>by PRSC Holdings (Edens), LLC</b> for a change in zoning for approximately 1.14 acres located on the north side of East Woodlawn Road between Park Road and Brandywine Road from B-1 (neighborhood business) to NS (neighborhood services).</p> <p>Staff recommends approval of this petition.</p> <p>The following issues have been addressed.</p> <ol style="list-style-type: none"> <li>1. A note has been added limiting the site to one accessory drive through window.</li> <li>2. The width of the proposed planting strip along the internal drive has been labeled.</li> <li>3. Elevations for the proposed structure identified as Space 525 has been provided.</li> <li>4. The proposed outdoor dining area along Woodlawn Road has been amended and clarified and is no longer in conflict with the proposed sidewalk.</li> <li>5. The proposed street cross section has been added to the plan for Woodlawn Road.</li> </ol> <p><a href="#">Attachment 23</a> (City Council Agenda June 15, 2015)</p>
	<p>11. <a href="#">Petition No. 2015-060</a> (Council District 2- Austin) <b>by Con-Way Freight, Inc.</b> for a change in zoning for approximately 2.54 acres located on the east side of Statesville Road across from Spector Drive near the intersection of Statesville Road and Old Statesville Road from I-1 (light industrial) to I-2 (general industrial).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding items with this petition.</p> <p><a href="#">Attachment 24</a> (City Council Agenda June 15, 2015)</p>
	<p>12. <a href="#">Petition No. 2015-061</a> (Council District 1- Kinsey) <b>by 3106 North Davidson, LLC</b> for a change in zoning for approximately 0.155 acres located on the east side of North Davidson Street between East 34th Street and East 35th Street from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following issues has been addressed:</p> <ol style="list-style-type: none"> <li>1. Redrew the site plan using an engineering scale.</li> <li>2. Reflected a small and large maturing tree interior to the site to meet the tree ordinance requirement.</li> <li>3. Removed the note indicating that Loblolly Pines will be provided at the rear of the property abutting the R-5 property and indicated that evergreen trees will be provided.</li> <li>4. Staff rescinded the request to reflect space for perimeter trees along North Davidson Street as required by the Tree Ordinance.</li> </ol> <p><a href="#">Attachment 25</a> (City Council Agenda June 15, 2015)</p>
	<p>13. <a href="#">Petition No. 2015-062</a> (Council District 2- Austin) <b>by Silver Hammer Properties, LLC</b> for a change in zoning for approximately 20.91 acres located at the intersection of NC Music Factory Boulevard and Hamilton Street generally surrounded by Interstate 77, West Brookshire Freeway, and Seaboard Coast Line Railroad from I-2(CD) (general industrial, conditional) to MUDD (CD) (mix use development, conditional) with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Update: The following items have been addressed:</p> <ol style="list-style-type: none"> <li>1. A letter has been submitted that an administrative amendment for the adjacent parcels rezoned in 2005 and 2014 to reduce the amount of developable square footage will be amended.</li> <li>2. The note has been modified that all modifications will be in accordance with Section 6.2 of the Zoning Ordinance.</li> </ol>

	<p>3. A wetland's letter has been submitted for the subject site.</p> <p>4. An easement or possible dedication has been agreed upon with Mecklenburg County Park and Recreation for the proposed Greenway.</p> <p>The following issues are still outstanding.</p> <p>1. Address remaining transportation comments.</p> <p><a href="#">Attachment 26</a> (City Council Agenda June 15, 2015)</p>
	<p>14. <a href="#">Petition No. 2015-064</a> (Council District 2 – Austin) by <b>CitiSculpt</b> for a change in zoning for approximately 0.47 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77 from B-D(CD) (PED-O) (distributive business, conditional, pedestrian overlay, optional) to O-1(PED) (office district, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding items with this petition.</p> <p><a href="#">Attachment 28</a> (City Council Agenda June 15, 2015)</p>
	<p>15. <a href="#">Petition No. 2015-065</a> (Council District 1- Kinsey) by <b>David Powlen, RLA</b> for a change in zoning for approximately 0.28 acres located on the west side of Weston Street between Hartford Avenue and Greystone Road from R-17MF (multi-family residential) to B-2 (general business).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><a href="#">Attachment 29</a> (City Council Agenda June 15, 2015)</p>
	<p>16. <a href="#">Petition No. 2015-067</a> (Council District 5 – Autry) by <b>Sovran Self Storage, Inc.</b> for a change in zoning for approximately 4.24 acres located on the northeast corner at the intersection of East Independence Boulevard and Wallace Lane from BD(CD) (distributive business, conditional) to BD(CD) SPA (distributive business, conditional site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Update: The following issue has been addressed:</p> <p>1. Staff rescinded the request to show all setback and right-of-way trees with tree protection fence on the rezoning plan.</p> <p><a href="#">Attachment 30</a> (City Council Agenda June 15, 2015)</p>
	<p>17. <a href="#">Petition No. 2015-068</a> (Council District 3- Mayfield) by <b>FCD Development, LLC</b> for a change in zoning for approximately 3.06 acres located on the north side of Dunavant Street between South Tryon Street and Hawkins Street from I-2 (general industrial) to TOD-M (transit oriented development - mixed-use).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><a href="#">Attachment 31</a> (City Council Agenda June 15, 2015)</p>
	<p>18. <a href="#">Petition No. 2015-069</a> (Council District 3- Mayfield) by <b>Cottonwood Residential</b> for a change in zoning for approximately 4.29 acres located on the south side of Shopton Road between Courtney Oaks Road and South Tryon Street from NS (neighborhood services) to R-17MF(CD) (multi-family residential, conditional).</p> <p>Staff recommends approval of the petition.</p> <p>Update: The following items have been addressed:</p>

	<ol style="list-style-type: none"> <li>1. A North arrow is provided on the site plan. Petitioner has added metes and bounds information on the site plan.</li> <li>2. Reference to petition 2001-054 under Site Development Data has been removed from site plan.</li> <li>3. Maximum building height of three (3) stories is noted under Site Development Data.</li> <li>4. Staff rescinded the comment that the setback from Shopton Road should be 35 feet as the setback was determined to be 30 feet and is shown correctly on the revised site plan.</li> <li>5. Staff rescinded the comment to revise the parking, the proposed storm water facility and open space along Shopton Road, as they do not conflict.</li> <li>6. Staff rescinded the request to amend the 10-foot side yard and 40-foot rear yard adjacent to the south property line as it is shown correctly.</li> <li>7. Addressed CDOT, Engineering and Property Management, and Urban Forestry comments with the following: <ol style="list-style-type: none"> <li>a. Addressed CDOT comment by making the proposed private street connect to the existing driveway/private street on adjacent parcel.</li> <li>b. Addressed Engineering and Property Management’s comment by adding a note to the site plan that states street trees located in the public right of way will be protected during all phases of construction by fencing. The Petitioner will demonstrate compliance with this requirement during the permitting process.</li> <li>c. Address City Arborist comment by adding a note to the site plan that states street trees located in the public right of way will be protected during all phases of construction by fencing. The petitioner will demonstrate compliance with this requirement during the permitting process.</li> </ol> </li> </ol> <p>Update: The following item has been modified since the public hearing:</p> <ol style="list-style-type: none"> <li>1. Modified Streetscape and Landscaping Note 6 regarding petitioner’s commitment to establishing a landscape area along portions of the rezoning site’s northern boundary line adjacent to the existing office parcels. Language specifies width of landscape area, plant materials, and intent to obtain an easement from the owner(s) of the adjacent office parcels to establish and maintain portion of landscape area on office parcels. Petitioner will provide a recorded copy of easement to Planning Department during the permitting process.</li> </ol> <p><b><u><a href="#">Attachment 32</a></u></b> (City Council Agenda June 15, 2015)</p>
	<p>19. <b><u><a href="#">Petition No. 2015-070</a></u></b> (Council District 1-Kinsey) by <b>Justin W. Lanford</b> for a change in zoning for approximately 0.11 acres located on the southeast corner at the intersection of Catawba Avenue and Allen Street from R-5 (single-family residential) to UR-1(urban residential).</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><b><u><a href="#">Attachment 33</a></u></b> (City Council Agenda June 15, 2015)</p>
	<p>20. <b><u><a href="#">Petition No. 2015-071</a></u></b> (Council District 3-Mayfield) by <b>Spectrum Properties Residential, Inc.</b> for a change in zoning for approximately 0.68 acres located on the northwest corner at the intersection of South Tryon Street and West Catherine Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use)..</p> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><b><u><a href="#">Attachment 34</a></u></b> (City Council Agenda June 15, 2015)</p>
	<p>21. <b><u><a href="#">Petition No. 2015-072</a></u></b> (Council District 7-Driggs) by <b>Real Estate Services Group, Inc.</b> for a change in zoning for approximately 1.55 acres located on the west side of Lancaster Highway between Ardrey Kell Road and Carolina Academy Road from R-3 (single family residential) to O-1(CD) (office, conditional).</p>

	<p>Staff recommends approval of the petition.</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> <li>1. Provided sidewalk connections from each tenant space to the public sidewalk in order to address the request to connect the sidewalk in front of the building to the sidewalk at the back of the planting strip with a minimum five-foot wide connection at the southern edge of the site.</li> <li>2. Amended the proposed use under the Development Summary to delete the words “by law” and replace with “below.”</li> <li>3. Removed reference details of an earth berm in Trees, Screening, Landscaping and Buffer Areas Note B.</li> <li>4. Staff rescinded the request to amend Architectural Standards Note B. to refer to sheet RZ-1 rather than AS-1.0 as sheet AS-1.0 is provided.</li> <li>5. Amended Note B. under Trees, Screening, Landscaping, and Buffer Areas to specify a six-foot solid wood fence.</li> </ol> <p><a href="#">Attachment 35</a> (City Council Agenda June 15, 2015)</p>
	<p>22. <a href="#">Petition No. 2015-085</a> by <b>Sarah Cherne/Junior Achievement of the Central Carolinas</b> for a Text Amendment to the City of Charlotte Zoning Ordinance for recreation centers to:</p> <ol style="list-style-type: none"> <li>1. Modify the prescribed size condition for recreation centers in a variety of zoning districts by increasing the maximum square footage if the recreation center is located in buildings constructed prior to 1980;</li> <li>2. Add recreation centers as a use allowed with prescribed conditions in the MX-1, MX-2, and MX-3 (mixed use) districts and in the CC (commercial center) zoning district.</li> <li>3. Relocate recreation centers with prescribed conditions that are incorrectly listed in the sections of the Zoning Ordinance related to “uses by-right”, into the correct sections related to “uses allowed under prescribed conditions”; and</li> <li>4. Update the use table.</li> </ol> <p>Staff recommends approval of this petition.</p> <p>Update: There are no outstanding issues with this petition.</p> <p><a href="#">Attachment 36</a> (City Council Agenda June 15, 2015)</p>