

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

<p>Sandra Montgomery</p> <p>(Deferral to October)</p>	<p>1. <u>Petition No. 2014-021</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) create a new definition for mobile farmer’s market; 2) allow mobile farmer’s markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer’s markets.</p> <p>Staff is requesting a two-month deferral of this petition to the October 29, 2014 meeting.</p> <p>Attachment 29 (March 17, 2014 Council Agenda)</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Solomon Fortune</p>	<p>2. <u>Petition No. 2014-054</u> (Council District 5 - Autry) by QuikTrip for a change in zoning for approximately 2.40 acres located on the northeast corner at the intersection of North Sharon Amity Road and Central Ave from B-1 (neighborhood business) & B-1SCD (business shopping center) to B-1(CD) (neighborhood business, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Add a note that the building for any uses other than a convenience store with accessory pumps will be placed along the minimum 20-foot setback along Central Avenue and a note that parking or circulation will not be allowed between the building and the street. 2. A note has been added that only one principal building will be allowed on site. 3. A note has been added that accessory service windows will not be allowed on the site. 4. A note has been added that the petitioner will install the community entrance sign. 5. A note has been added that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course. 6. A detail of the proposed retaining wall has been provided. 7. Note 8A has been removed from the site plan. 8. A note has been added that pole signs will not be allowed on the site and that monument signs will be limited to 14 feet in height. 9. The driveway along Sharon Amity Road has been removed and placed along the internal drive.

<p>Sonja Sanders</p>	<p>3. Petition No. 2014-056 (Council District 1 - Kinsey) by Central Piedmont Community College for a change in zoning for approximately 4.19 acres generally surrounded by East 4th Street, Charlottetowne Avenue, South Torrence Street, and 3rd-4th Connector Street from B-2 (general business) to MUDD-O (mixed use development, optional) with five-year vested rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 22</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Added a note stating “the ground floor of any parking decks along public streets will be wrapped in active uses oriented to the street, provided, however, nothing herein shall prohibit Petitioner from providing ground floor parking “behind” said active uses within parking deck.” 2. Addressed Transportation comment by adding a note stating “If required by CDOT during the permitting process, the petitioner will conduct a traffic impact study to determine traffic impacts and associated mitigations, if any, caused by the development of the site before the first building permit is issued for any parcel covered under the current rezoning petition.” 3. Staff has rescinded the following requests: <ol style="list-style-type: none"> a. Amend Note 6A to provide specifics about the style of proposed buildings. b. Delete all optional provisions except Notes E. Amend Note G to remove request to allow sidewalks, street trees, and landscaping areas to remain as is.
<p>Sonja Sanders</p>	<p>4. Petition No. 2014-057 (Outside City Limits) by Craig & Amy Faile for a change in zoning for approximately 0.229 acres located on the south side of York Road at the intersection of Langston Drive and York Road from R-3 LLWCA (single family residential, Lower Lake Wylie, critical area) to O-2 LLWCA (office, Lower Lake Wylie, critical area).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>John Kinley</p>	<p>5. Petition No. 2014-059 (Council District 6 - Smith) by Crosland LLC & Allen Tate for a change in zoning for approximately 3.65 acres located on the west side of Sharon Road between Fairview Road and Hazelton Drive from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 24</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Staff has rescinded the request to reduce the maximum height from 70 feet to 55 feet for the portions of the building adjacent to single family, based on the future benefit the internal street provides to the community. 2. Staff has rescinded the request to amend the development data to reflect a reduced height. 3. Staff has rescinded the request to revise the architectural perspectives to reflect the reduced height. 4. Addressed CDOT issue. 5. Addressed CATS issue. 6. Revised optional provision 2. (c) to clearly explain what is requested by listing

<p>2014-059 contd.</p>	<p>the items to be accommodated between the building and streets.</p> <ol style="list-style-type: none"> 7. Amended optional provision 2. (d) to clearly explain what is meant by "innovative street design "to accommodate a private street connection provided the design standards are acceptable to CDOT. 8. Amended optional provision 2. (e) to specify that one ground-mounted sign with a maximum sign face area of 30 square-feet and a maximum height of seven feet to be allowed near the intersection of Sharon Road and the proposed private street. 9. Amended note 2. (e) by replacing the words "access driveway" with the word "private street." 10. Provided minimum five foot wide sidewalks and planting strips are varying widths as agreed upon with CDOT and Planning staff as opposed to eight-foot planting strips and six-foot sidewalks along both sides of the street extension. 11. <i>Staff has rescinded the request</i> for a 14-foot setback along the internal street because the street proposed is private. 12. Provided Type II modified driveways where drives intersect with the proposed internal street. 13. Provided a note committing to rights for future extension of the internal street. 14. Specified on the conceptual site plan that an eight-foot planting strip and six-foot sidewalk will be provided along Sharon Road from the proposed street to the northern property line. 15. <i>Staff has rescinded the request</i> to remove note 4. (c). Provided a note that allows public access to the private street. 16. Amended note 6. (a) by listing adding additional notes to specify how headlights will be screened from view of the single family homes. 17. Provided a landscape plan the shows the locations of trees and shrubs located in the ten-foot wide buffer described in note 6. (b) and (c). 18. Replaced the words "Technical Data Sheet" with "Conceptual Site Plan" in note 8. 19. Provided a description of the open space to be provided. 20. Removed note 11 (d) as it is repeated.
<p>Claire Lyte-Graham</p>	<p>6. Petition No. 2014-060 (Council District 1 - Kinsey) by Day Hixson for a change in zoning for approximately 0.46 acres located on the east side of North McDowell Street between East 35th Street and East 36th Street from R-5 (single family residential) to UR-1(CD) (urban residential, conditional).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. A scale (1inch = 50 feet) has been added to the site plan.
<p>Solomon Fortune</p>	<p>7. Petition No. 2014-061 (Council District 4 - Phipps) by Roman Catholic Diocese of Charlotte for a change in zoning for approximately 10.0 acres located on the south side of Suther Road between Old Concord Road and Sandburg Avenue from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The first sentence under General Provisions Note 1 has been removed.

<p>2014-061 contd.</p>	<ol style="list-style-type: none"> 2. The existing height limits from the previously approved plan have been placed on the site plan. 3. The maximum height of any new building has been limited to two stories. 4. The total number of seats has been limited to 1,116 seats. 5. Approximate has been removed from building square footages table. 6. The administrative approval letter has been removed from the site plan. 7. A note has been added referencing the approved variance including the file number and year approved.
<p>Claire Lyte-Graham</p> <p>Protest Sufficient</p>	<p>8. <u>Petition No. 2014-063</u> (Council District 1 - Kinsey) by Pulte Home Corporation for a change in zoning for approximately 2.68 acres located on the south side of Atherton Street between Euclid Avenue and Marshall Place from R-5 (single family residential) and B-2 (general business) to UR-2(CD) (urban residential, conditional).</p> <p>Staff does not support this petition in its current form.</p> <p>Attachment 27</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the language under Development Data with respect to Proposed Zoning that states "Parcel 12107605 will remain R-5 zoning" as the petitioner has stated the intent is to rezone entire property to UR-2(CD), and to be consistent with the application. This parcel is designated as possible Tree Save Area on the site plan. 2. The petitioner has added notes under Streetscape and Landscaping, committing to installation of planting strips and sidewalks along Euclid Avenue, Atherton Street, and Marshall Place (including required minimum widths – 6-foot sidewalks and 8-foot planting strips). 3. The petitioner has specified in the development notes under Streetscape and Landscaping of intent to allow certain sections of the proposed sidewalk along Marshall Place to meander and to be located behind the back of proposed curb in in order to preserve existing trees. Petitioner has provided information under Development Data that notes the proposed units will have garages. The petitioner has added a note stating that each residential unit will be provided with a minimum of 400 square feet of private open space. The subplot must be sufficient to accommodate the dwelling unit and 400 square feet of private open space. Further, the petitioner has added a note reserving the right to install ornamental fencing on the site for decoration and to aid in delineating the areas devoted to private open space. Any such fencing will not exceed 4 feet in height and will not be opaque. 5. Realign units 10-16 to parallel Marshall Place to create a strong street edge. <i>Staff has rescinded this request. Petitioner has responded that realignment would have adversely impacted design and community, as it would have required the removal of several large, mature trees.</i> 6. A note has been added under Streetscape and Landscaping stating the private alleys that terminate perpendicular to Marshall Place will be screened with a combination of masonry walls and landscaping. 7. Petitioner has amended site plan to depict all units facing streets (i.e. Euclid Avenue, Marshall Place, and Atherton Street). 8. The elevation provided by the petitioner illustrates the garage doors have been moved to the rear. 9. The elevations provided show windows in place of previous garage doors. 10. Provide entrance doorways with porches or stoops on end elevations that front onto Euclid Avenue and Marshall Place. <i>Staff has rescinded this request, as due to the redesign only two corner units will have this condition.</i> 11. Petitioner has added a note under Architectural Standards that states small horizontally-aligned windows on all elevations will not be allowed.

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12. Petitioner has modified site plan (including typical private open space detail) to better distinguish between patios, porches, and balconies.
13. Petitioner has added a note that states the buildings will contain a minimum of 70% masonry (brick or stone) on all building faces.
14. The petitioner has added notes committing to building materials (to include brick, stone and/or other masonry products and hardy plank or other similar durable siding materials; and, no expanses of blank wall exceeding 20 feet in length for end units will be permitted. In addition, a note has been added to state that the units will be offset by two feet to provide articulation along the front of the buildings, and that buildings will be aligned to face the adjacent roadway.
15. A note has been added under Lighting stating that freestanding lighting fixtures will be installed throughout the Site, fully capped and shielded with illumination downwardly directed. Mounting height for light fixtures will not exceed 12 feet.
16. Possible tree save areas are now labeled on the site plan.
17. Address all CDOT and Engineering and Property Management comments.
 - a. City of Charlotte Land Development Standards allows a minimum 16-foot wide alley for double loaded, two-way operation.
 - b. The petitioner has provided cross-sections for Marshall Place and Euclid Avenue on Sheet RZ-3.
 - c. The petitioner has added a note on the site plan that states the petitioner is encouraged to provide on-street parking along the entire length of Euclid Avenue, provided it does not conflict with the private open space requirements for individual residential units. The extent of the on-street parking will be determined by the City staff through the site planning process. Further, the petitioner has provided language that states the petitioner will support the installation of on-street parking along Marshall Place, Atherton Street, and Euclid Avenue.
 - d. With respect to Engineering and Property Management, the petitioner has identified possible tree save areas, including existing trees to remain. Adherence to the Tree Ordinance is a minimum requirement.
18. Locations of solid waste and recycling facilities are shown on the site plan.

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

1. The petitioner has increased the number of units from 37 units to 39 units.
2. The petitioner has submitted revised the elevations that include a rendering that was provided with the original submittal.
3. The petitioner has added the centerline of Marshall Place and a measurement of 26.5 feet of right-of-way measured from the existing centerline to the new right-of-way line.
4. The petitioner has amended the site plan to reflect the correct zoning district of the abutting parcel to the south.

Update: The following issues remain outstanding:

1. The proposed density for the parcels zoned R-5 (single family residential) is inconsistent with the *Dilworth Land Use and Streetscape Plan*, which recommends up to four dwelling units per acre.
2. Provide a regular pattern of windows on end elevations, including the ground floors. Windows should be aligned to building levels and not set at varying heights. Windows on end elevations should maintain consistency in size and style. *Staff notes that while petitioner has provided this, it appears the side elevation with windows will be used only on Units 1 and 9. Staff would like to see the side elevation with windows (as shown on the plan) also used on Units 10, 16, 17, 24, 25, 28, 29, and 39.*
3. Integrate rear porches into the building design instead of attaching them to the face of the building on stilt-like supports. *Petitioner has responded that*

<p>2014-063 contd.</p>	<p><i>this request is unable to be accommodated, but the petitioner will work with staff during the construction design development to minimize impact where possible. In addition, new layout has all units facing streets, so petitioner feels visual impact of rear porches is now minimal.</i></p> <p>Update: The revised site plan has resulted in the following outstanding issues:</p> <ol style="list-style-type: none"> 1. The driveway on Unit 32 does not appear to meet the City of Charlotte Land Development Standards requiring a minimum of 5 feet but no greater than 7 feet, or a minimum of 20 feet. 2. The rear elevation should have a passage door on the ground level so residents can enter from the alley side without having to raise the overhead garage.
<p>Solomon Fortune</p>	<p>9. <u>Petition No. 2014-065</u> (Council District 4 - Phipps) by Nasir Ahmad for a change in zoning for approximately 2.91 acres located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The proposed use has been modified to a Eating, Drinking and Entertainment Establishment, Type 2. 2. A note has been added that vinyl siding will be prohibited as an exterior building material. 3. A note has been added that expanses of blank wall will not exceed 20 continuous feet in length. 4. Building elevations have been labeled to correspond with the proposed building. 5. Note number "5" has been removed from the site data table. 6. The possible dumpster location has been shown and labeled on the site plan. 7. A note has been added in the development table that the existing cell tower will remain. 8. Show and label the required yard as undisturbed area. <u>Staff has rescinded this request.</u> 9. The required eight-foot planting strip and six-foot sidewalk has been shown and labeled to the property line. 10. The proposed street cross section has been removed from the site plan.
<p>John Kinley</p>	<p>10. <u>Petition No. 2014-066</u> (Council District 1 - Kinsey) by Levine Properties, Inc. for a change in zoning for approximately 0.094 acres of existing right-of-way for St. Julien Street located between Commonwealth Avenue and Independence Boulevard from R-5 (single family residential) to B-1(PED) (neighborhood business, pedestrian overlay).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 29</p> <p>Update: There are no outstanding issues with this petition.</p>

<p>Sonja Sanders</p>	<p>11. Petition No. 2014-067 (Council District 1 - Kinsey) by Aldersgate United Methodist Retirement Community, Inc. for a change in zoning for approximately 91.31 acres located on the south side of Shamrock Drive across from Glenville Avenue and the east side of Eastway Drive across from Dunlavin Way from R-17MF (multi-family residential) and INST(CD) (institutional, conditional) to INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 30</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Amended Development Data Table to only include information on proposed uses. 2. Amended development legend to reflect proposed 125 independent units and 153 dependent units, for a total of 800 existing and proposed units. Deleted reference to amenity services, which are allowed as accessory uses to the principal uses on the site. 3. Deleted Note 1H under Development Area A, which reflected information on existing development. 4. Amended Note 1J under Development Area A to reflect proposed maximum height of dependent and independent units as 72 feet and up to six stories. 5. Specify alternate buffer request. <i>Staff has rescinded this request.</i> 6. Amended Note 7b to remove reference to Area B, which proposes no changes to existing entitlements. 7. Addressed Park and Recreation comment by providing a greenway easement within the 100-foot SWIM buffer to Park and Recreation. <p>Update: The following items have been added or amended:</p> <ol style="list-style-type: none"> 1. Deleted the six-foot pedestrian access walk from Shamrock Drive to the existing access walks, the request for which was rescinded by staff due to topographical issues. 2. Labeled existing buffers.
<p>Sonja Sanders</p>	<p>12. Petition No. 2014-069 (Outside City Limits) by Novant Health for a change in zoning for approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 from INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment).</p> <p>Staff recommends approval of this petition in its current form.</p> <p>Attachment 31</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Define personal services. <i>Staff has rescinded this request.</i> 2. Removed the "Other TBD" under c. Graphics and Alterations. 3. Added a note entitled Alternative Phasing as follows "Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition." 4. Added a note requiring, at a minimum, 10,000 square feet of gross floor area of general or medical office uses to be developed within the area zoned B-1(CD). No more than two buildings containing only retail, restaurant or

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personal service uses may be constructed within the area zoned B-1(CD), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD).

5. Addressed Transportation comments by adding notes under the headings of Transportation Improvements and Access and Right-of-way Dedication as follows:
 - a. (Proposed Improvements) At the intersection of Albemarle Road and the I-485 outer ramps: Extend the westbound right-turn lane on Albemarle Road back to the right-in right-out driveway;
 - b. (Proposed Improvements) Along the Sites frontage on Albemarle Road i) construct a right-in right-out driveway; and ii) construct a westbound right turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an approximate taper.
 - c. (Standards, Phasing and Other Provisions) Right-in Right-out Driveway: The right in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
 - d. (Standards, Phasing and Other Provisions) Contribution to Roadway Improvements: The following provisions shall apply in addition to other commitments of Petitioner and provisions of this Section 3:
 - i. In order to facilitate the construction of the extension of Public Street #1 to the east as a connection (the "Connector Road") to a north/south road that will provide full movement access to Albemarle Road (the approximate location of the Connector Road portion being shown on Sheet RZ-3.1), the Petitioner shall contribute to the design and construction costs of such Connector Road in an amount of up to the lesser of (A) one-third (1/3) of such design/construction costs evidenced by written bids for such work, or (B) \$360,000 (the "Contribution Amount")
 - ii. The contribution amount will be paid to the City of Charlotte to be held and then used solely for either (A) the construction of the connector road, or (B) if acceptable to CDOT and NCDOT the installation of certain roadway and/or traffic signal improvements to the intersection of Public Street #1 and Albemarle Road (the "Intersection Improvements"), provided however, such intersection improvements must be of the nature that improve the access conditions at such intersection in a manner reasonably acceptable to petitioner and CDOT.
 - iii. In the event of scenario (A) of subsection c.ii immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the city that (X) subdivision plans have been approved to allow the construction of the connector road and (y) other parties, whether public sector or private parties, have committed to provide the balance of the funding of the design/construction costs needed above the contribution amount. In the event of scenario (B) of subsection c.ii. immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the City that the City and NCDOT have decided to use the contribution amount to fund the intersection improvements (as reasonably approved by petitioner as set forth above) and written evidence that the costs of such intersection improvements can be covered by the contribution amount or in concert with other approved funding for such intersection improvements.
 - iv. If (A) the City's written notice under subscription c.iii. above is not provided to petitioner within seven years of the date of approval of this rezoning petition, or (B) construction earnest of the connected road or the intersection improvements, as the case may be, is not commenced within eight years of the date of such approval, the City

	<p style="text-align: center;">will return the contribution amount to the petitioner and petitioner shall have no further obligations to provide for such funding.</p> <p>e. (Standards, Phasing and Other Provisions) <u>Alternative Phasing</u>: Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition.</p> <p>f. <u>Access and Right-of-Way Dedication</u></p> <ul style="list-style-type: none"> i. Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway in the manner generally depicted on the rezoning plan. ii. The right –in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road <p>6. Addressed CATS comments by adding a note “the petitioner will provide CATS a public access easement to allow CATS transit service to enter the site and utilize the site’s private streets to turn around. The location and terms of the easement to be determined during the subdivision review process.”</p>
<p>Claire Lyte-Graham</p>	<p>13. <u>Petition No. 2014-070</u> (Council District 3 - Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.63 acres located on the east side of South Church Street between West Summit Avenue and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development-mixed).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 32</p> <p>Update: There are no outstanding issues with this petition.</p>
	<p>14. Vote on Vice Chairman.</p>
	<p>15. Discuss Holiday Calendar</p>