

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
January 26, 2011
4:30 P.M.

<p>Sandy Montgomery</p>	<p>1. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3 (from the December 20, 2010 Council Agenda)</p> <p>Update: There are no outstanding issues with this petition.</p>
<p>Claire Lyte-Graham</p> <p>Protest Sufficient</p>	<p>2. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc. for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 1</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Building setbacks are shown on the site plan. 2. The petitioner has provided front and rear building elevations identifying proposed building materials. 3. Language has been added to the site plan stating that the petitioner will not begin construction, including grading, on the site or obtain a building permit for the site until three (3) years after the date of the approval of the rezoning petition. 4. A note has been added limiting non-residential uses to customary home occupations. 5. The tax parcel numbers for subject properties have been corrected on the site plan to reflect those listed on the application. 6. Note E1 states that in locations where the planting strip along Bingham Drive has been reduced to preserve existing trees, the requirement for new street trees may be waived by the Urban Forestry staff. 7. The Fire Department comment has been addressed by extending the length of the hammerhead proposed at the southwest side of the property from 91 feet to 121 feet. <p>The following items have been added to the site plan:</p> <ol style="list-style-type: none"> 1. The heading of Development Note J has been revised to read "Buffers, Tree Save, Open Space <u>and Traffic Calming</u>". 2. New Development Note J5 states that the petitioner agrees to sign a petition requesting that CDOT install traffic calming devices along Bingham and Curtiswood Drives if the neighborhood makes such a request per adopted City policies. 3. A row of evergreen trees and shrubs is proposed along the western property line.

Shad Spencer	<p>3. Petition No. 2010-067 by Mecklenburg County Park & Recreation Department for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p> <p>Update: The following issue has been addressed:</p> <p>1. Amended the acreage under the “Development Data Summary” on the site plan to reflect the 1.64 acres indicated on the application.</p>
Tammie Keplinger	<p>4. Petition No. 2010-069 by Patrick N. Dillon for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 8</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. A note has been added that the site will comply with the Tree Ordinance. 2. A minimum age of 60 has been established for the independent living units. 3. The site plan is correctly showing that the setback on Penninger Circle is measured from the new right-of-way. 4. Potential recycling centers have been shown on the site plan. 5. A class C buffer will be provided along the east property line next to the existing multi-family development. 6. Details of the proposed buffer fence have been shown on the site plan. <p>The following new outstanding issue based upon the revised site plan submitted January 21, 2011 should be addressed:</p> <p>1. The petitioner should show a detention area to the east of the proposed drive way along Mallard Creek Road. This area, along with the detention area at the southern most portion of the site should be labeled with the following note: “Potential location for storm water management facility. Actual location of such facilities shall be determined through the site plan review and permitting process”.</p>
Sonja Sanders Deferral (one-month) Protests Sufficient	<p>5. Petition No. 2010-072 by Quail Corners Associates, LLC for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>Petitioner is requesting a one-month deferral of this petition the March 2, 2011 Zoning Committee Meeting.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 9</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Provide minimum five-foot walkways from external sidewalks to each building/facility. 2. Amend note under Setbacks, Side Yards and Rear Yards to state that the setback will not be reduced beyond the 40 foot setback shown. 3. Note that new outdoor plaza area with hardscape, planter, and seating located between Buildings A and B is required and will be provided at the same time as exterior building renovations to buildings A and B. 4. Add note that the Planning Director must review and approve final plans for all outparcels, with particular attention paid to the relationship between Building 4, Building B and the surrounding parking area.

<p>Claire Lyte-Graham</p>	<p>6. Petition No. 2010-075 by Woodie Enterprises, Inc for a change in zoning of approximately 0.474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road (HWY 51) from B-1(CD) and O-1 to B-1(CD) SPA and B-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 4</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has submitted two site plans – one for existing development and one for redevelopment. The existing development scenario indicates that the only principal uses allowed are an office and an ABC store. The redevelopment scenario indicates that the only principal use allowed is an automotive service station without gasoline sales. Parking calculations and building square footages for all proposed uses have been provided for the redevelopment scenario. 2. The petitioner has provided a front elevation of the proposed building as part of the redevelopment scenario. 3. Language has been added stating in the event the site is redeveloped an eight-foot planting strip and a six-foot sidewalk will be installed along Carmel Road, and the sidewalk may meander to preserve existing trees. 4. In response to the elimination of the bays on the north side of the proposed building due to inadequate maneuvering area, the petitioner has added a note on the site plan identifying a recorded ingress/egress easement allowing utilization of a portion of the driveway on the property to the north to accommodate vehicles maneuvering in and out of the garage doors on the north side of the new building. In the event this easement is terminated, vehicle ingress and egress will be solely from the garage doors on the south side of the proposed building. 5. The petitioner has addressed the CDOT issue concerning required planting strip and sidewalk via a note committing to install the planting strip and sidewalk upon redevelopment of the site (also see Item #3 above). <p>The following issue remains outstanding:</p> <ol style="list-style-type: none"> 1. The petitioner will provide parking calculations for existing conditions.
<p>Shad Spencer</p>	<p>7. Petition No. 2010-076 by Anders Platt for a change in zoning of approximately 3.4 acres located at the northeast corner of the intersection of West Boulevard and Dr. Carver Road from R-22MF and I-1 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Clarified that additional right-of-way will be dedicated and conveyed prior to the issuance of a building permit. 2. Provided a detailed landscape plan for the area between the proposed building and West Boulevard which demonstrates how the detention pond will be screened and incorporated as a passive amenity area. 3. Modified the building elevations to address design issues. 4. Deleted the “coordinated activities” note from the site plan. <p>The following note has been eliminated from the site plan by the petitioner:</p> <ol style="list-style-type: none"> 1. Removed the future variance request to eliminate pedestrian connections to West Boulevard and Dewberry Trail.

Sandy Montgomery	<p>8. Petition No. 2010-078 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new definition for heating, ventilation and air conditioning (HVAC) and revise the regulations.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p> <p>Update: There are no outstanding issues with this petition.</p>
Sandy Montgomery Deferral (two-month)	<p>9. Petition No. 2010-079 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility.</p> <p>Staff is requesting a two-month deferral of this petition the March 30, 2011 Zoning Committee Meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p> <p>Update: There are no outstanding issues with this petition.</p>
Solomon Fortune Deferral (one-month)	<p>10. Petition 2010-080 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "Outdoor Seasonal Fresh Produce Sales" with a new definition and regulations for "Fresh Produce Markets".</p> <p>Staff is requesting a one-month deferral of this petition the March 2, 2011 Zoning Committee Meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 13</p> <p>Update: There are no outstanding issues with this petition.</p>
Claire Lyte-Graham	<p>11. Petition No. 2011-001 by Automotive Management Services, Inc. for a change in zoning of approximately 0.451 acres located along the west side of South Boulevard and bounded by Interstate 485 on the south and the Southern Railway on the west from B-1 to B-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Petition 2011-001 is referenced on the site plan. 2. The petitioner has shaded the remaining part of the site that is not part of the rezoning and contains the buildings and bulk of parking. 3. The existing zoning is noted as B-1 and the proposed zoning as B-2(CD) on Sheet 2 under "Development Data". 4. "Development Data" on Sheet 2 has been amended to reflect the proposed use as "storage of auto inventory", and a note has been added stating that no buildings will be placed on the site. 5. The petitioner has responded to the inquiry regarding how the future dumpster/refuse enclose/pad will be accessed by a dumpster/refuse truck by showing a proposed "truck-turn path" on the site plan that depicts the turn movement of a WB-50 design vehicle southbound on the public access road behind the site, and then maneuvering through the site to access South Boulevard. The proposed dumpster/refuse truck will be able to follow this path after pulling forward to empty the dumpster at the end of the public access road.

	<ol style="list-style-type: none"> 6. A note has been added that states parking will not extend within ten feet of the rear property line. 7. The petitioner has provided a cross-section of the proposed six-foot fence with opaque covering to screen the storage area. 8. The petitioner has stated that proposed fencing, curb and gutter, and paved parking have been relocated so as not to encroach into the Norfolk Southern Railroad right-of-way. 9. The petitioner has submitted information regarding the 30-foot access easement, which has been forwarded to the City Attorney's Office for review.
Shad Spencer	<p>12. Petition No. 2011-003 by Music Factory Condominiums, LLC for a MUDD-O site plan amendment for approximately 1.77 acres located along the east side of Hamilton Street between Seaboard Street and West Brookshire Freeway.</p> <p>Staff recommends approval of this petition upon resolution of the one outstanding issue.</p> <p>Attachment 12</p> <p>Update: The following issues have been addressed:</p> <ol style="list-style-type: none"> 1. Exhibits have been provided of the two-sided roof mounted sign proposed by the optional provision. 2. Note C(1) under "Optional Provisions" has been clarified to indicate that the roof mounted sign to be installed on the northern side, facing West Brookshire Boulevard, will be the JFG sign. The maximum sign face area is limited to the existing sign face area of the JFG sign (820 square feet). The JFG sign shall have a minimum lease term of five years as indicated in Note C(3)(a). 3. Note C(3) has been added under "Optional Provisions" to indicate conditions under which the JFG sign is allowed to be removed and replaced with another sign. These conditions include the following: <ol style="list-style-type: none"> a. The replacement sign shall be limited to 500 square feet and be for the identification of the NC Music Factory venue and may advertise events and entertainment opportunities. b. The events and entertainment opportunities offered at the NC Music Factory may be displayed on an electronic changeable face sign while the remaining elements of the sign will remain static. c. Up to 20 percent of the electronic changeable sign face area may advertise sponsors of the events and entertainment opportunities. d. The final design and appearance of the replacement sign must be approved by the Planning Department prior to the issuance of a sign permit. 4. The roof mounted sign on the back side of the JFG sign, found in Note C(2) under "Optional Provisions", has been limited to an on-premise identification sign associated with the use(s) within the building it is atop. The maximum sign face area shall be 100 square feet and will take the place of the wall sign allowed on the southern facing wall. <p>The following issue is outstanding:</p> <ol style="list-style-type: none"> 1. Modify Note C(3)(i) under "Optional Provisions" to indicate the electronic changeable face area of the replacement sign will remain static for at least 24 hours at a time.

<p>Sandy Montgomery</p>	<p>13. Petition 2011-004 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Statutes and Session Law 2009-178 regarding new requirements for third party rezoning petitions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Update: A statement was added to the text amendment to clarify that for all city-initiated zoning map amendments, the Planning Department staff shall provide notice of the proposed rezoning petition and notice of the public hearings to all property owners and adjacent owners, in accordance with the North Carolina General Statutes and rules and procedures adopted by the City Council.</p>
<p>Sandy Montgomery</p>	<p>14. Petition 2011-005 by Charlotte Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to comply with NC Fair Housing Act and Session Law 2009-533 to prevent discrimination against affordable housing.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p>Update: There are no outstanding issues with this petition.</p>