

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE SPECIAL WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**September 6, 2011**  
**5:00 P.M.**

<p><b>Claire Lyte-Graham</b></p>	<p>1. <a href="#"><u>Petition No. 2011-043</u></a> by Louis Ratcliffe, Inc for a change in zoning for approximately 3.23 acres located on the west side of the intersection at West Sugar Creek Road, North Graham Street, and Mineral Springs Road from B-2 to MUDD-O.</p> <p>Staff recommends APPROVAL upon the resolution of the outstanding site plan issue.</p> <p>Attachment 20</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Removed the request for the approximate 9,200 square-foot building expansion shown on previous site plans.</li> <li>2. Modified the language under the "Optional Provisions" by removing all references to the proposed building expansion shown on the previous site plan, and by removing language relating to future improvements to the existing building facade.</li> <li>3. Removed optional request to allow parking between the street and any future building expansion.</li> <li>4. Added a note restricting the height of any development/redevelopment to 60 feet.</li> <li>5. Added Note 1F that states unless specifically excepted by site plan's Development Standards, any future redevelopment of the site must comply with MUDD requirements.</li> <li>6. Added a note identifying the days and hours of operation of the proposed community theatre/lounge with language as follows: "The anticipated operating days and hours for the community theatre and lounge will be Monday-Thursday from noon until midnight, and Friday-Sunday from noon-2:30 am, with the intention to have morning hours on an as needed basis. The hours of operation will at all times comply with applicable governmental rules and regulations."</li> <li>7. Added language to Note 5 stating that the petitioner will inform NCDOT of the required six-foot sidewalk and eight-foot planting strip and that the requested rezoning will not be conditioned on installation of those required improvements. CDOT staff has confirmed there is a pending NCDOT roadway improvement project for N. Graham Street and W. Sugar Creek Road.</li> <li>8. Amended the "Site Summary" table to identify number of required and proposed parking spaces.</li> <li>9. Clarified square footage by amending "Site Summary" table and removing the proposed expansion square footage, and modifying Note 3 by removing reference to the proposed expansion.</li> <li>10. Address the CDOT comment by inserting language that acknowledges CDOT/NCDOT approval with respect to future parking and/or circulation on the B-2 parcel to the south.</li> <li>11. Addressed the Storm Water Services comment by adding Note 1e that acknowledges intent to comply with the Post Construction Controls Ordinance.</li> </ol>
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<p>2011-043 continued</p>	<p>The following changes were made to the site plan on August 31, 2011 (Please note some notes have been combined with others or deleted entirely, resulting in renumeration):</p> <ol style="list-style-type: none"> <li>1. Added language to "General Provision" Note 1a. stating a community lounge is "defined as a nightclub by the City of Charlotte Zoning ordinance."</li> <li>2. Added language to "General Provision" Note 1c. stating the existing curb cut from N. Graham Street to the Site may remain as shown on the Rezoning Plan, or may be closed due to the NCDOT road widening project.</li> <li>3. Modified "General Provision" Note 1g. by changing closing time Friday-Sunday from 2:30 a.m. to 2:00 a.m.</li> <li>4. Combined "Optional Provisions" Notes 4b. and 4c. (deleting old Note 4c.), providing language that requests existing parking, loading, access and circulation to remain in current location, subject to specific terms in the Development Standards.</li> <li>5. Modified "Optional Provisions" Note 4c., deleting request for a pole mounted sign (maximum height of 15', maximum face area of 60'), and adding a new request to allow a new monument sign having a maximum height of eight feet (8') and a maximum face area of sixty feet (60').</li> <li>6. Deleted old "General Provisions" Note 7 ("Screening") and moving that language to a new "Optional Provision" Note 4e. pertaining to required screening. Added language stating intent to maintain existing wooded berm along northern boundary and existing fence along western property line. Petitioner notes the installation of street trees along N. Graham Street and W. Sugar Creek Road. In lieu of providing additional screening along parking lot, petitioner will improve the façade of the building with a free standing decorative planter and provide additional shrubs and ground cover within the islands of the parking lot.</li> <li>7. Deleted old "General Provisions" Note 5 ("Streetscape") and moved that language to a new "Optional Provision" Note 4f., pertaining to streetscape. Petitioner notes NCDOT's proposed five-foot sidewalk and planting buffer per the N. Graham Street/W. Sugar Creek Road street improvement project. Petitioner commits to informing NCDOT about MUDD standards requiring a six-foot sidewalk and eight-foot planting strip, and requests that NCDOT widen the sidewalk and allow adequate room to accommodate an eight-foot planting strip. Petitioner requests not to be required to provide these improvements, or that this rezoning be conditioned upon installation of the six-foot sidewalk or eight-foot planting strip.</li> </ol> <p>The following site plan issue remains outstanding:</p> <ol style="list-style-type: none"> <li>1. A minimum eight-foot planting strip and six-foot sidewalk are required along N. Graham Street and W. Sugar Creek Road. Obtain a letter from NCDOT confirming improvements NCDOT is responsible for completing along W. Graham Street and W. Sugar Creek Road with respect to streetscape improvements and installation of sidewalks and planting strips. NCDOT should also confirm that the notes and details as shown on the site plan are correct. NCDOT streetscape improvements must meet MUDD standards.</li> </ol>
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Shad Spencer	<p>2. <a href="#"><u>Petition No. 2011-044</u></a> by The Bissell Companies, Inc for a change in zoning for approximately 520 acres generally bounded by Interstate 485 to the north, Ballantyne Commons Parkway to the south, and Rushmore Street and North Community House Road to the west and east, respectively, from R-3 and BP(CD) to BP(CD), O-3(CD), and BP(CD) SPA, 5-Year Vested Rights.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 21</p> <p><b>Update: The following issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Added a note (Note M.2.b) which commits to integrating a minimum of 10,000 square feet of retail/restaurant uses within the Corporate Park East area prior to the development of the final 200,000 square feet of office square footage.</li> <li>2. Modified Note G.2 regarding commitments to a pedestrian/bicycle mobility network including a description of the current network and a commitment to expand the network in a similar manner as additional development occurs within the Corporate Park.</li> <li>3. Modified Notes J.1 and J.2.b to indicate a minimum of the 50 percent of the required open space (25 percent of Corporate Park West and 32 percent of Corporate Park East) will be areas designed for active/usable open space.</li> <li>4. Modified Note M.1. to read "...at least <del>460</del> 200 residential dwelling units shall have been developed within Corporate Park East prior to development of the final 200,000 square feet of office square footage...".</li> <li>5. Modified Note D.2.d to limit the number of hotel rooms that may be converted to office space to 200 rooms and commit to additional residential units developed (one residential unit per one hotel room) prior to the development of the final 200,000 square feet of office square footage if more than 100 hotel rooms are converted.</li> <li>6. Modified Note D.2.c to limit the number of residential units that may be converted to hotel rooms to 50 residential units.</li> <li>7. Modified Note C.4. to reflect the wording of the existing unified development note for the Ballantyne development regarding FAR calculations.</li> <li>8. Modified Note F.1.e. to read "All dumpsters <del>will be screened from public streets when viewed at grade</del> and service areas will be screened from public streets and adjoining properties when viewed at grade".</li> <li>9. Eliminated Note F.2. regarding signs and graphics. This information is provided within Note K Signage.</li> <li>10. Eliminated Notes H.1. and H.2. These are ordinance minimums or are indicated within the Development Data Table.</li> <li>11. Relocated Notes H.3.(a, b, and c) to under Note E Transportation Commitments.</li> <li>12. Eliminated Note H.3.d. The content of the note does not pertain to the heading "Driveways and Streets".</li> <li>13. Modified Note I.2. to reflect resolutions with Storm Water Services regarding storm water management.</li> <li>14. Modified Note L.1 to clarify that "landscape accent" lighting may be installed without full cut-off type lighting fixtures rather than "decorative" lighting.</li> <li>15. Addressed all of the following CDOT issues. <ol style="list-style-type: none"> <li>a. The revised site plan shows mutually agreed upon development (entitlement) levels and corresponding required transportation improvements.</li> <li>b. CDOT and the petitioner reevaluated the conversion rights of hotel rooms to office space and agreed to the revised conditional note.</li> <li>c. The revised plan clarifies the amount of developed entitlements. Existing zoning entitlements not built/occupied = 2,066,000 square feet of office and 20 hotel rooms. The projected trip generation for the remaining entitlements is approximately 14,820 daily trips.</li> </ol> </li> </ol>
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<p>2011-044 continued</p>	<ul style="list-style-type: none"> <li>d. The exhibits identifying the required transportation improvements are now legible.</li> <li>e. A 77' wide cross-section for the Community House bridge/I-485 overpass has been provided which allows CDOT the flexibility, in the design phase, to provide wider pedestrian/bike space.</li> <li>f. The petitioner plans to acquire the necessary r/w to properly align the Endhaven/Community House intersection. This intersection is also planned to be signalized by the petitioner, when Community House is extend south over I-485.</li> <li>g. The petitioner has added traffic signalization to the following three intersections as part of their traffic mitigation commitment: 1) Endhaven Lane and Community House Road; 2) Endhaven Lane and Elm Lane; and 3) Community House Road between Ballantyne Commons Parkway and I-485 (location to be determined).</li> <li>h. Additional analysis determined that eastbound dual left turns are needed on Ballantyne Commons Parkway at Community House Road. The site plan has been revised to reflect this transportation improvement.</li> <li>i. The note regarding the sequence of transportation improvements has been revised to CDOT's satisfaction.</li> <li>j. The note regarding the timing of completion and certificate of occupancy issuance has been revised to CDOT's satisfaction.</li> <li>k. A conditional note has been added to enhance the pedestrian/bike elements within the Ballantyne Corporate Park, creating a Pedestrian/Mobility Network.</li> </ul> <p>16. Mecklenburg County Parks and Recreation comments have been withdrawn.</p>
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