

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, 2<sup>nd</sup> Floor**  
**July 30, 2008**  
**4:30 P.M.**

<p><b>Brent Wilkinson</b></p>	<p><b>01. Innovative Request for Rezoning Petition 2008-044:</b>  Cambridge Properties is requesting the following innovative approvals for the Davis Lake Townhomes development located at Harris Woods Blvd. at its intersection with Davis Lake Parkway. Attached is a copy of the site plan, a cross section (Section A) of buildings 21 &amp; 22 and the proposed retaining wall to support innovative request # 3, and a letter from Cambridge Properties. The site plan notes additional information pertaining to the innovative request and shows the building locations by number.</p> <ol style="list-style-type: none"> <li>1. Minimum building separation from 16 feet to 13 feet.</li> <li>2. Buildings 8 and 9 rear yard to be reduced from 40 feet to 25 feet.</li> <li>3. Buildings 21 and 22 setback to be reduced from 30 feet to 25 feet.</li> <li>4. Buildings 3 and 4 rear yard to be reduced from 40 feet to 35 feet.</li> <li>5. Building unit 14A minimum public right-of-way setback reduced from 15 feet to 5 feet. <i>This request must meet the provisions of Section 9.303 19(f) of the Zoning Ordinance.</i></li> <li>6. Building units 22A and 23A minimum public right-of-way setback reduced from 15 feet to 10 feet. <i>This request must meet the provisions of Section 9.303 19(f) of the Zoning Ordinance.</i></li> </ol> <p>(Attachments sent with Email)</p>
<p><b>Tammie Keplinger</b></p>	<p><b>02. Petition No. 2008-064 by Chad Frazier</b> for a change in zoning of approximately 1.40 acres located on the west side of Frazier Avenue between West 5<sup>th</sup> Street and Martin Street from R-5 to UR-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 6</p> <p><b>Update: The petitioner has submitted revised site plans, which are currently under review by staff. (CDOT staff has indicated that outstanding items identified have been addressed).</b></p>

<p><b>Tom Drake</b></p>	<p>03. <b>Petition No. 2008-070 by Noda @ 27<sup>th</sup> Street, LLC</b> for a change in zoning of approximately 3.63 acres located in the block bounded by North Davidson Street, East 26<sup>th</sup> Street, East 27<sup>th</sup> Street and Yadkin Avenue from I-2 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 9</p> <p><b>Update: The petitioner has addressed the following issues:</b></p> <p style="padding-left: 40px;"><b>The petitioner has removed the optional request for motorcycle parking between the North Davidson Street right-of-way and building. The petitioner has reduced the total square footage of the project to 31,000 square feet of retail with the ability to convert to office. The petitioner has added a note to allow the 9,000 square feet for the restaurant to be converted to office or retail. A note has been added for open space.</b></p>
<p><b>Tammie Keplinger</b></p>	<p>04. <b>Petition No. 2008-076 by Charles T. Hodges</b> for a change in zoning of approximately 2.78 acres located at the intersection of South Tryon Street and Ayrley Town Boulevard from MUDD-O to MUDD-O SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 23</p> <p><b>Update: There are no outstanding issues for this petition.</b></p>
<p><b>Tom Drake</b></p> <p><b>Protest (sufficient)</b></p>	<p>05. <b>Petition No. 2008-080 by Lorenzo J. Cavaliere</b> for a change in zoning of approximately 2.34 acres located on the southwest corner of Providence Road West and Marvin Road from R-3 to INST(CD)</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p> <p><b>Update: The site plan has been revised to address all the site plan issues. In addition, the site plan increased the maximum number of children from 191 to 210. After the site plan was revised, they recalculated the number of children based on the state regulations for playground area, parking, and building size.</b></p> <p><b>The petitioner has addressed the following concerns.</b></p> <p style="padding-left: 40px;"><b>A Class C buffer will be provided along the west and south property lines.</b></p> <p style="padding-left: 40px;"><b>The playground is not located in the buffer or side yard.</b></p> <p style="padding-left: 40px;"><b>A woodland buffer will be provided along Marvin Road and</b></p>

	<p><b>Providence Road West, to preserve existing trees in the front and side yards.</b></p> <p><b>The petitioner will use hardiplank and brick materials for the building.</b></p> <p><b>Construction traffic will enter from Providence Road West.</b></p>
<b>Tom Drake</b>	<p>06. <b>Petition No. 2008-081 by Raley Miller Properties</b> for a change in zoning of approximately 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 to NS and UR-2(CD).</p> <p>Staff cannot support the retail component of this petition.</p> <p>Attachment 26</p> <p><b>Update: Staff has reviewed the revised site plan and the following items remain outstanding:</b></p> <p><b>The petitioner should modify the site plan to indicate a portion of the site is proposed to be rezoned to UR-2(CD), not UR-2.</b></p> <p><b>The parking located along the entrance way on Ridge Road should be removed and the area redesigned to provide more of a “main street” with sidewalks and planting areas. Sidewalks should connect to Ridge Road sidewalk, including a pedestrian connection between the proposed southernmost east/west public street and Ridge Road.</b></p> <p><b>Some of the proposed parking spaces facing Ridge Road encroach into the established setback. The petitioner should revise the site plan to either move the buildings closer to the street, move the parking spaces to the established building setbacks as currently shown, or remove those parking spaces.</b></p> <p><b>The petitioner should show and indicate percentage of tree save area on the site plan.</b></p> <p><b>The petitioner should provide pedestrian scale lighting throughout the development, and locations should be shown on the site plan.</b></p> <p><b>The petitioner should modify the elevations for the nonresidential buildings to have all first floor windows consist of clear vision glass.</b></p> <p><b>Old Ridge Road needs to be abandoned.</b></p> <p><b>The petitioner should address any outstanding CDOT and storm water items.</b></p>
<b>Tammie</b>	<p>07. <b>Petition No. 2008-084 by Northside Baptist Church</b> for a change in zoning of</p>

<p><b>Keplinger</b></p>	<p>approximately 110.95 acres located on the north side of Equipment Drive between Jeremiah Road and Mineral Springs Road from INST(CD) to INST(CD) SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 27</p> <p><b>Update: The following site plan issues have been addressed since the public hearing:</b></p> <p style="padding-left: 40px;"> <b>The type of tower will be monopole;</b>  <b>The proposed height is 160-feet; and,</b>  <b>The site will comply with Section 12-108 of the Zoning Ordinance which regulates communication towers.</b> </p> <p><b>The following comments are still outstanding:</b></p> <p style="padding-left: 40px;"> <b>The driveway needs to intersect Equipment Drive perpendicular and not at a skew as shown.</b>  <b>The parking and driveway need to be moved outside the buffer area.</b> </p> <p><b>The following are minor technical items that need to be added to the site plan:</b></p> <p style="padding-left: 40px;"> <b>the existing zoning of I-1 (CD);</b>  <b>the proposed zoning of i-1 (CD) SPA;</b>  <b>the acreage is 110.95;</b> </p>
<p><b>Tom Drake</b></p>	<p><b>08. Petition No. 2008-086 by Citiline Resortline Properties of the Carolinas, LLC</b> for a change in zoning of approximately 2.43 acres located on both sides of Victoria Avenue north of West 4<sup>th</sup> Street Extension and also on the east side of South Irwin Avenue north of West 4<sup>th</sup> Street Extension from UR-1 and UR-2 to MUDD-O.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p> <p><b>Update: The petitioner has addressed the following issues:</b></p> <p style="padding-left: 40px;"> <b>The petitioner has increased the proposed maximum square footage from 400,000 to 440,000 square feet.</b>  <b>The petitioner reduced the number of residential units from 500 to 380.</b>  <b>The petitioner reduced the number of hotel rooms from 400 to 250.</b>  <b>The retail restaurant component is still 60,000 square feet and the office component is still 200,000 square feet.</b> </p> <p><b>All other site plan issues have been addressed.</b>  <b>CDOT may still have additional comments.</b></p>

<b>Tom Drake</b>	<p>09. <b>Petition No. 2008-091 by Couchell Investment Company</b> for a change in zoning of approximately 7.13 acres located on the east side of Statesville Road between West W.T. Harris Boulevard and Metromont Parkway from I-2 to I-1.</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 29</p> <p><b>Update: There are no changes to this petition, as it is a conventional request with no site plan.</b></p>
<b>Tammie Keplinger</b>	<p>10. <b>Petition No. 2008-100 by Vernell Belin</b> for a change in zoning of approximately 0.93 acres located on the north side of Joyce Drive between Kildare Drive and Milton Road from R-8MF to UR-C(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 31</p> <p><b>Update: The petitioner has submitted a revised site plan since the public hearing that addresses the following outstanding issues:</b></p> <p style="padding-left: 40px;"><b>The building addition area and total building has been properly calculated.</b></p> <p style="padding-left: 40px;"><b>The Parking area has been modified to reflect the maximum parking allowed in the requested zoning district.</b></p> <p style="padding-left: 40px;"><b>The parking lot screening has been moved out of the right-of-way.</b></p> <p style="padding-left: 40px;"><b>The play space and fencing has been moved out of the rear yard.</b></p> <p style="padding-left: 40px;"><b>The note regarding “Garbage to be curb roll out...” has been removed.</b></p> <p style="padding-left: 40px;"><b>A note has been added regarding the amount of play space that will be provided.</b></p> <p style="padding-left: 40px;"><b>A 14’ buffer along the entire eastern and northern edge of the property has been shown.</b></p> <p><b>The following items are still outstanding:</b></p> <p style="padding-left: 40px;"><b>The petitioner needs to show an 8’ planting strip and 6’ sidewalk as these are minimum ordinance standards for the requested zoning district.</b></p> <p style="padding-left: 40px;"><b>The existing fence should be moved out of the right-of-way.</b></p>
<b>Tim Manes</b>	<p>11. <b>Petition No. 2008-101 by South End Silos, LLC</b> for a change in zoning of</p>

	<p>approximately 2.95 acres located on the east side of Griffith Street, north of Fairwood Avenue from I-2 and TOD-M to TOD-MO.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 32</p> <p><b>Update: The petitioner has addressed the following issues:</b></p> <p style="padding-left: 40px;"><b>The petitioner has reduced the height request to 200 feet and included additional building elevations.</b></p> <p><b>All other site plan issues have been addressed.</b></p>
<b>Tammie Keplinger</b>	<p>12. <b>Petition No. 2008-103 by Gabriel Rogers</b> for a change in zoning of approximately 0.96 acres located on the north side of Tuckaseegee Road between Browns Avenue and Cheshire Avenue from R-4 to O-1(CD).</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 34</p> <p><b>Update: The following site plan issues have been addressed since the public hearing:</b></p> <p style="padding-left: 40px;"><b>The setbacks have been clearly labeled.</b> <b>A note has been added that the existing residential structure is to remain.</b></p> <p><b>The following site plan issues remain:</b></p> <p style="padding-left: 40px;"><b>The site plan should be drawn to match the indicated 1:20 scale. In particular the driveway does not scale 26-feet as shown.</b> <b>The details of the proposed wooden fence should be indicated on the site plan.</b></p> <p><b>CDOT continues to review the revised site plan. The following comments were outstanding at the public hearing:</b></p> <p style="padding-left: 40px;"><b>The existing left-turn lane bay taper along Tuckaseegee Road will need to be restriped as a two-way left-turn lane to provide safe access to the proposed development.</b></p> <p style="text-align: right;"><b>The proposed development will be limited to one access point on</b></p>

	<p><b>Tuckaseegee Road. This will need to be located within the existing striped out area to provide sufficient storage for vehicles turning left into the site.</b></p> <p><b>The proposed right-of-way and setback needs to be labeled and dimensioned on the plans.</b></p> <p><b>The plan notes indicate that the petitioner/developer will construct an 8-foot planting strip and 6-foot sidewalk along Tuckaseegee Road. Any existing utility poles that conflict with the sidewalk location will need to be relocated beyond the new back-of-sidewalk (2-foot minimum).</b></p>
<b>Tom Drake</b>	<p>13. <b>Petition No. 2008-104 by Two Land Group</b> for a change in zoning of approximately 0.31 acres located on the northeast corner of East Park Avenue and Cleveland Avenue from R-22MF(HD-O) to MUDD-O(HD-O).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 35</p> <p><b>Update: The petitioner has addressed the following issues:</b></p> <p><b>The petitioner has revised the plan to indicate three parking spaces to the rear of the structure within the existing fence.</b></p> <p><b>All other site plan issues have been addressed.</b></p>
<b>Tom Drake</b>	<p>14. <b>Petition No. 2008-106 by Andrew Ighade, Adediji Dsinloye and Sony Obuseh</b> for a change in zoning of approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from R-3 to B-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 37</p> <p><b>Update: The petitioner has addressed all site plan issues, but the following (which staff believes can be easily remedied):</b></p> <p><b>A minor discrepancy in the size of the pharmacy.</b></p>
<b>Tammie Keplinger</b>	<p>15. <b>Petition No. 2008-108 by Christ Evangelical Lutheran Church of Charlotte</b> for a change in zoning of approximately 1.66 acres located on the northeast corner of</p>

	<p>Providence Road and Mammoth Oaks Drive from R-12MF to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding site plan issues.</p> <p>Attachment 38</p> <p><b>Update: The following site plan issues have been addressed since the public hearing:</b></p> <p style="padding-left: 40px;"><b>A statement has been included in the Development Standards that no access to Providence Road will be permitted.</b></p> <p style="padding-left: 40px;"><b>The site plan indicates the width of the new planting strip (8 feet) and sidewalk (5 feet) on Mammoth Oaks Drive.</b></p> <p style="padding-left: 40px;"><b>The driveways shown on the site plan will align opposite these existing driveways on the other side of Mammoth Oaks Drive.</b></p> <p><b>The following issues are outstanding:</b></p> <p style="padding-left: 40px;"><b>The driveway types shown on the plans need to be changed from Type III to Type II-Modified. This will be addressed during the driveway permit review process.</b></p> <p style="padding-left: 40px;"><b>The storm water basin should be moved outside of the side yard setback.</b></p>
<p><b>Tom Drake</b></p> <p><b>Protest (sufficient)</b></p>	<p>16. <b>Petition No. 2008-109 by Colony Investors, LLC</b> for a change in zoning of approximately 2.27 acres located on the east side of Colony Road between Rea Road and Stonecroft Park Drive from R-3 to MUDD(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 39</p> <p><b>Update: The petitioner has addressed all site plan issues.</b></p>
<p><b>Tom Drake</b></p> <p><b>Protest (sufficient)</b></p>	<p>17. <b>Petition No. 2008-111 by RWB Properties</b> for a change in zoning of approximately 7.80 acres located on the southwest corner of Brown-Grier Road and Sandy Porter Road from R-3 to INST(CD) and R-8MF(CD).</p> <p>Staff cannot support the residential component of this petition.</p> <p>Attachment 40</p> <p><b>Update: The petitioner has addressed the following issues:</b></p>



	<p><b>The petitioner has revised the plan to included public street through the multi-family portion of the site and the site now meets the General Development Policies Guidelines. The petitioner has also included additional building elevations.</b></p> <p><b>The following items are still outstanding:</b></p> <p><b>The buildings along Sandy Porter Road should appear to front Sandy Porter Road.</b></p> <p><b>The petitioner should commit to the buffers remaining undisturbed. The petitioner should label buffers being reduced.</b></p> <p><b>The petitioner should commit to utilizing brick on the fronts of buildings along all roadways and not just public streets.</b></p> <p><b>All other site plan comments have been addressed.</b></p>
<b>Tammie Keplinger</b>	<p><b>18. Petition No. 2008-113 by Mecklenburg County Real Estate Services</b> for a change in zoning of approximately 1.92 acres located on the west side of South Kings Drive between Baxter Street and South Torrence Street from B-1 to MUDD.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 42</p> <p><b>Update: There are no changes to this petition, as it is a conventional request with no site plan.</b></p>
<b>Tammie Keplinger</b>	<p><b>19. Petition No. 2008-115 by Jeff Barefoot</b> for a change in zoning of approximately 11.64 acres located on the east side of Moores Chapel Road between Heavy Equipment School Road and Performance Road from R-3(LWPA) and I-1(LWPA) to I-2(LWPA).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 44</p> <p><b>Update: There are no changes to this petition, as it is a conventional request with no site plan.</b></p>
	<p><b>20. Discussion on the Zoning Committee Meeting Schedule for November, December &amp; January due to the Holiday Season.</b></p>

## November 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27 Thanksgiving	28	29
30						

## December 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25 Christmas	26 Day after Christmas	27
28	29	30	31			

## January 2009

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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				1 New Year's	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 MLK Holiday	20 City Council Mtg.	21	22	23	24
25	26	27	28	29	30	31