

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, **Room 267**
December 23, 2008
4:30 P.M.

Tim Manes	01. Building Elevation Approval – Elizabeth Medical Office Building and Condominiums. Building elevation approval is required by the Zoning Committee for a height above ninety feet per condition of rezoning petition 2003-122.
Tom Drake	<p>02. Petition No. 2008-057 (hearing) by Michelle Strause for a change in zoning of approximately 0.30 acres located on the south side of East 36th Street between North Davidson Street and Norfolk and Southern Railroad from B-1 to NS.</p> <p>Staff recommends approval of this petition. The petition is consistent with the <i>North Charlotte Plan</i> land use recommendation for neighborhood commercial land uses, and consistent with the <i>Northeast LRT Transit Station Area Concept</i> land use recommendation for retail uses.</p> <p>Attachment 09</p> <p>Update: All of the outstanding issues have been addressed as follows:</p> <ol style="list-style-type: none"> 1. A note has been added under “Zoning” that Restaurant parking will meet the minimum parking requirements of one space per 150 square feet, but no more than a maximum of one parking space per 75 square feet. 2. A note has been added that the maximum height of freestanding light poles will be 25’. 3. The text on the site plan that states, “5’ setback from centerline of alley” has been corrected to read: “10’ rear yard from centerline of alley”.
Tom Drake	<p>03. Petition No. 2008-117 (hearing) by Medical Facilities of NC, Inc. for a change in zoning of approximately 9.05 acres located on the east side of Toddville Road between Paw Creek Road and Freedom Drive from R-3(LLWPA), R-9MF(CD)(LLWPA) and R-17MF(LLWPA) to INST(CD)(LLWPA).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with <i>Northwest District Plan</i>.</p> <p>Attachment 12</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The site plan clearly delineates the boundaries of the rezoning in a heavy dark line on the site plan. 2. The site plan has been redrawn with the north part of the site at the top. 3. A note was added to include a 24-foot buffer along those portions of the site’s “northern boundary line that are adjacent to the adjoining religious institution. 4. Notes # 3 and # 4 have been amended to reflect that only “required” sidewalks are permitted in the buffer and have eliminated the use of a berm to reduce buffer width. 5. Notes #5 and #6 have been amended to indicate that parking, maneuvering and detention/water quality facilities may not be located within any buffer or setback. 6. Staff has determined that right-of-way for the unnamed 60-foot street along the site’s southern boundary already exists.

	<ol style="list-style-type: none"> 7. A minimum five-foot sidewalk and eight-foot planting strip along all street frontages will be provided. 8. A note has been added that the petitioner will submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/ or construction activities. 9. A note has been added that the unnamed public street will be constructed to the office/commercial narrow street cross section. 10. The site plan now reflects proposed zoning of Institutional CD. 11. Elevations have been submitted.
Tom Drake	<p>04. Petition No. 2008-128 (hearing) by Sherpa Land Company, LLC for a change in zoning of approximately 2.50 acres located on the west side of Statesville Road between Twin Lakes Parkway and Future I-485 from R-17MF and I-1 to B-D(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Northlake Area Plan</i>.</p> <p>Attachment 14</p> <p>Update: All of the outstanding issues have been addressed as follows:</p> <ol style="list-style-type: none"> 1. Setbacks along Interstate 485 and the new alignment of Statesville Road have been labeled. 2. Dumpster location is shown. 3. Total site area is reflected as 4.18 acres. 4. The maximum square footage is listed as 90,000 square feet. 5. The floor area ratio (F.A.R.) depicted on the plan is 0.37. Total building area will not exceed a F.A.R. of .50. 6. A note has been added that the petitioner will submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction activities. 7. Sidewalk widths have been labeled. 8. All streets have been labeled.
Tom Drake	<p>05. Petition No. 2008-148 (hearing) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 3.49 acres located on the south side of Remount Road between South Boulevard and South Tryon Street from B-2 and I-2 to TOD-M.</p> <p>Staff recommends approval of this petition. This petition is consistent with the <i>New Bern Transit Station Area Plan</i>.</p> <p>Attachment 26</p> <p>Update: This is a conventional petition with no associated site plan.</p>
Tom Drake	<p>06. Petition No. 2008-149 (hearing) by the Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.59 acres located on the east side of South Tryon Street between Remount Road and Basin Street from I-1 to TOD-M.</p> <p>Staff recommends approval of this petition. This petition is consistent with the <i>New Bern Transit Station Area Plan</i>.</p> <p>Attachment 27</p> <p>Update: This is a conventional petition with no associated site plan.</p>

Tom Drake	<p>07. Petition No. 2008-150 (hearing) Kennington Family, LLC for a change in zoning of approximately 1.44 acres located on the northeast corner of Rodman Street and Sam Drenan Road from R-22MF to I-1.</p> <p>Staff recommends approval of this petition. This petition is <u>inconsistent</u> with the <i>Central District Plan</i>; however, with the required 50-foot buffer along Sam Drenan, staff feels industrial zoning is appropriate in this location.</p> <p>Attachment 17</p> <p>Update: This is a conventional petition with no associated site plan.</p>
Tom Drake	<p>08. Petition No. 2008-151 (hearing) by Brandon Snider for a change in zoning of approximately 2.16 acres located on the block bounded by South Tryon Street, East Palmer Street, South College Street and East Catherine Street from MUDD-O to MUDD-O SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>South End Transit Station Area Plan</i>.</p> <p>Attachment 18</p> <p>Update: All outstanding issues have been addressed as follows:</p> <p>1. A note #3 has been added stating that the columns are in the setback and right-of-way and will remain.</p>
Tom Drake	<p>09. Petition No. 2008-152 (hearing) by Friendship Missionary Baptist Church for a change in zoning of approximately 1.13 acres located on the southwest corner of Beatties Ford Road and Fairdale Drive from O-2 to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Northwest District Plan</i>.</p> <p>Attachment 19</p> <p>Update: All outstanding site plan issues have been addressed as follows:</p> <ol style="list-style-type: none"> 1. A note has been added that the existing drive aisle will be removed. 2. Staff asked the petitioner to add trees and or landscaping to the center median in the parking lot. The petitioner has agreed to provide landscaping in accordance with applicable ordinances. 3. The width of sidewalk and planting strip along Beatties Ford Road has been labeled. 4. A note has been added confirming that there is not a group home within 800 feet of the site. 5. Note 4 under General Provisions has been amended to allow up to 30 women to be housed overnight. 6. Note 1 under Access Points has been amended to specify only one access off Beatties Ford Road. 7. A note has been added to the site plan that parking will be screened from abutting properties and from view from public streets.

Tom Drake	<p>10. Petition No. 2008-153 (hearing) by Sam's Mart, LLC for a change in zoning of approximately 2.09 acres located on the northeast corner of University City Boulevard and Sams Lane from B-1(CD) to B-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Northeast District Plan</i>.</p> <p>Attachment 20</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. Site plan has been amended to correctly label <i>Class "B" Buffer with Berm</i> along the north property line. 2. Existing building and parking on the west side of Sams Lane has been added to the site plan and parking meets the requirements of the ordinance. 3. Required parking for existing building on the west side of Sams Lane and proposed development on the east has been added to the site plan. 4. Site plan has been amended to correctly identify side and rear yards, including required widths. 5. Required sidewalks and planting strips along Sams Lane and University City Boulevard have been labeled on the site plan. 6. Note has been added to site plan agreeing to provide a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction activities. 7. Note has been added to site plan agreeing to CATS request for a waiting/bench pad. 8. Maximum building height of 35-feet has been added to site plan. 9. Lighting will be shielded with full cut-off fixtures. 10. An easement for sidewalks along Sam's Lane will be provided. <p>The following outstanding issues have <u>not</u> been addressed:</p> <ol style="list-style-type: none"> 1. CDOT comments have not been addressed.
Tom Drake	<p>11. Petition No. 2008-154 (hearing) by Robert Nixon for a change in zoning of approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street from MUDD-O (PED) to MUDD-O (PED) SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Plaza-Central Pedscape Plan</i>.</p> <p>Attachment 21</p> <p>Update: The following outstanding issue has been addressed:</p> <ol style="list-style-type: none"> 1. A note has been added to the site plan committing to provide a Solid Waste Management Plan as requested by LUESA. <p>The following outstanding issues have <u>not</u> been addressed:</p> <ol style="list-style-type: none"> 1. Provide a copy of a minimum five-year parking space lease agreement for a minimum of twelve parking spaces. 2. Under "Development Standards, replace the text "PED-O" with "PED" for note #1.1; #2; #4; and #6.

Tom Drake	<p>12. Petition No. 2008-155 (hearing) by JDR Communities for a change in zoning of approximately 24.98 acres located on the east side of South Tryon Street between Yorkdale Drive and Thornfield Road from R-3 to R-17MF(CD).</p> <p>Staff does not recommend approval of this petition as currently proposed. The petition does not meet the <i>General Development Policies</i> (GDP) for the density requested because of failure to provide a connection to an existing stub street.</p> <p>Attachment 22</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner agreed to provide a solid waste plan as described in a document entitled <i>Solid Waste Management Plan Guidance</i> dated 10/22/08. 2. The site plan includes a note describing proposed materials for fencing along South Tryon and around the remainder of the site. 3. A note has been added regarding design elements and building materials for building elevations. 4. Notes have been added as requested by LUESA in relation to the existing water supply wells and septic tanks. 5. A note has been added indicating that the petitioner will work with CATS on the location of a waiting pad along South Tryon Street. <p>The following outstanding issues have <u>not</u> been addressed:</p> <ol style="list-style-type: none"> 1. Extend a public street through the site, connecting the proposed access point onto S. Tryon Street and Cornwell Lane. 2. Identify tree save area and amount provided. 3. Rezone the narrow strip of land extending to the southeast and abutting single family residential lots to R-3(CD), as that identified portion of the parcel will not be able to meet buffer requirements if rezoned to the requested R-17MF (CD). 4. Address all CDOT comments.
	<p>13. Petition No. 2008-157 (hearing) by Michael Berglass, DDS for a change in zoning of approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive from R-22MF to NS.</p> <p>Attachment 23</p> <p>Update: After the public hearing this petition was amended to request the UR-C (CD) district instead of the NS district. A rendering of the proposed detached sign has also been added to the site plan.</p> <p>Staff does not recommend approval of this petition to the UR-C (CD) district. The petition is inconsistent with the <i>Briar Creek/Woodland and Merry Oaks Small Area Plan</i>, which recommends townhomes on this property. In addition, the proposed use sets a precedent for non-residential redevelopment of adjacent parcels and creates a number of site plan issues, such as inadequate parking and the elimination of buffers.</p> <p>The following site plan comments are new based on the revisions since the public hearing.</p> <ol style="list-style-type: none"> 1. Provide adequate area for a garbage truck reach the dumpster and turn around. 2. All references to signs should be removed. 3. Specify the parking ratio as 1/400 (UR-C has a minimum of 1/1000 gross sq. ft and a maximum of 1/400 gross sq. ft).

	<p>The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The back of curb on Central Avenue has been labeled. 2. A Class C buffer is shown at the rear of the property. 3. The location of solid waste and recycling facilities are shown on the site plan. <p>The following outstanding issues have NOT been addressed:</p> <ol style="list-style-type: none"> 1. The right-of-way on Central Avenue has not been labeled. 2. Parking should be located at the rear of the property. 3. Add a note that a Solid Waste Management Plan will be submitted to Mecklenburg County Solid Waste prior to initiating demolition and/or construction activities. 4. Clarify how the 560 square foot accessory storage building will be used, as it may affect the parking requirement. 5. Provide parking at a rate of 1 space per 300 square feet instead of the 1 space per 600 square feet as required by the NS district. Parking as shown is not sufficient for a dental office. <i>Since district changed parking rate does allow anything over 1/400.</i>
<p>Tom Drake</p> <p>Protest (sufficient)</p>	<p>14. Petition No. 2008-158 (hearing) by Greater Galilee Baptist Church for a change in zoning of approximately 0.15 acres located on the northwest corner of South Mint Street and West Park Avenue from R-5 to UR-C.</p> <p>Staff recommends approval of this petition. The <i>Central District Plan</i> recommends single-family land use on the subject parcel.</p> <p>Attachment 24</p> <p>Update: This is a conventional petition with no associated site plan.</p>
	<p>15. Petition No. 2009-002 (hearing) by Bellsouth Telecommunications, Inc. for a change in zoning of approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 to I-1(CD).</p> <p>Staff recommends approval of this petition. The petition is <u>inconsistent</u> with the <i>Southwest District Plan</i>. However, the existing public utility structure will remain with the minor addition of a contractor's office.</p> <p>Attachment 25</p> <p>Update: The petitioner has increased the proposed square footage from 18,300 to 20,000 to allow for future expansion.</p> <p>The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The petitioner has secured variances from the Zoning Board of Adjustment to allow reduced buffers in areas where the driveway will be located and where existing detention exists. 2. The petitioner has noted that the 35-foot setback along Erwin Road will be planted to Class "A" Buffer standards. 3. The petitioner has corrected the maximum square footage to 20,000, which would accommodate a future expansion of 1,700 square feet. <p>There are no remaining outstanding issues.</p>