

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, CH 14**  
**March 25, 2009**  
**4:30 P.M.**

<p><b>Tammie Keplinger</b></p> <p><b>Deferred last month due to notification issue</b></p> <p><b>Protest Sufficient</b></p>	<p>01. <b>Petition No. 2008-019 by The Boulevard Company</b> for a change in zoning of approximately 2.56 acres located on the northwest corner of Churchill Road and Wendwood Lane from UR-2(CD) to UR-2(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>South District Plan</i> and reasonable and in the public interest.</p> <p>Attachment 12</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. A site cross-section to illustrate the relationship between buildings on the site and the adjacent single family home on tax parcel 15708104 has been provided.</li> <li>2. The location of the proposed solid waste and recycling facilities and required screening has been shown on the site plan.</li> <li>3. Note #8 (new number) has been modified to that there is no impact to the existing brick retaining wall and the existing stucco wall located in the existing 37.5-foot buffer.</li> <li>4. Note #17 (new number) has been modified to state the "The petitioner will submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction activities."</li> <li>5. The petitioner has agreed to add "no parking" signs on the private alleys, as per CDOT comment, to prevent conflict with access to garages.</li> </ol> <p><b>Update: The following outstanding issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Modify the site plan to show that 400 square feet of private open space can be provided, if land is sold with the unit.</li> <li>2. The Zoning Ordinance requires internal sidewalk connections to all abutting public sidewalks including Randolph Road and Wendwood Lane. Due to the grade differences along Randolph, staff requested that the petitioner add a note to the site plan reflecting this requirement. It should be noted that a variance must be approved in order for the connection to be modified or eliminated.</li> </ol>
<p><b>Tammie Keplinger</b></p>	<p>02. <b>Petition No. 2008-053 by Moody Lake Office Park Development, LP</b> for a change in zoning of approximately 60.30 acres located on the south side of West Arrowood Road between I-485 and Whitehall Executive Center Drive from BP(CD) to MUDD-O Five Year Vested Rights.</p> <p>Staff recommends approval of this petition. This petition is <u>inconsistent</u> with the <i>Southwest District Plan</i> but reasonable and in the public interest.</p> <p>Attachment 13</p> <p><b>Update: All of the outstanding issues have been addressed as follows:</b></p> <ol style="list-style-type: none"> <li>1. Maximum height has been noted as 180 feet or 12 stories</li> <li>2. The two private streets stubbing to the multi-family zoning to the north have been labeled for future connection with cross access easements</li> <li>3. Petitioner has noted that only two drive-in windows will be allowed</li> <li>4. Petitioner has noted that parking and maneuvering between the building and setbacks will be allowed on one building along Arrowood Road</li> <li>5. Petitioner has indicated building orientation for outparcel structures</li> <li>6. CDOT comments have been addressed and will be reviewed at the meeting.</li> </ol>

<p><b>Tammie Keplinger</b></p> <p><b>Protest Sufficient</b></p>	<p>03. <b>Petition No. 2008-112 by Westlake Holdings, LLC</b> for a change in zoning of approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road from R-3(LWPA) and B-1SCD(LWPA) to B-1(CD)(LWPA).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the <i>Northwest District Plan</i> and reasonable and in the public interest.</p> <p>Attachment 14</p> <p><b>Update: All of the outstanding issues have been addressed as follows:</b></p> <ol style="list-style-type: none"> <li>1. Enhanced pedestrian connectivity between the retail parcels and new private and public streets by extending walkways from the retail portion to connect to the sidewalks along the adjacent proposed public and private streets.</li> <li>2. Added a note stating the proposed gates will be open daily for public traffic between 6:00 a.m. and 10:00 p.m., with the gates designed to comply with CDOT standards.</li> <li>3. Added a note stating the proposed private street will be designed to a public residential wide cross section with eight-foot planting strips and six-foot sidewalks on both sides, to connect to the retail outparcels and the school.</li> <li>4. Extended the 10-foot shared bike pedestrian path to connect to the northernmost section of the proposed public street.</li> <li>5. Amended Conditional Note #2 to include office as a permitted use.</li> <li>6. Identified the required 100-foot Lake Wylie Watershed Overlay vegetative buffer as requested by Storm Water Services.</li> <li>7. The residential gates will be opened from 6:00 am to 10:00 pm.</li> <li>8. A left-turn lane will be constructed on Bellhaven Boulevard into the private street.</li> <li>9. The required buffer between the residential component and the retail component will be located on the commercial property.</li> </ol>
<p><b>Tammie Keplinger</b></p> <p><b>Protest Sufficient</b></p>	<p>04. <b>Petition No. 2008-147 by Kathy and Sonya Garmon</b> for a change in zoning of approximately 12.17 acres located on the north side of Brookshire Boulevard between Oakdale Road and Caldwell Williams Road from I-1 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is <u>inconsistent</u> with the Mount Holly Road Special Project Plan but reasonable and in the public interest.</p> <p>Attachment 15</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Existing zoning and proposed zoning have been identified in the Site Summary section of the site plan.</li> <li>2. Proposed 90-foot Class "A" buffer along the northeast property line has been increased to 100 feet.</li> <li>3. Note has been added indicating 20-foot wide landscape area proposed to screen parking area from Brookshire Boulevard.</li> <li>4. Note has been added to label required six-foot sidewalk and eight-foot planting strip along Brookshire Boulevard.</li> <li>5. Storm water note has been removed from site plan.</li> <li>6. Southernmost driveway has been realigned as per CDOT's request.</li> <li>7. Sight triangles at driveway connections have been shown.</li> <li>8. Proposed use language in Site Summary has been amended to include all uses permitted in the I-1 district plus contractor offices and accessory storage.</li> <li>9. A Solid Waste Management Plan will be submitted prior to initiating land clearing, demolition, and/or construction activities.</li> </ol>

<b>2008-147 Continued</b>	<p><b>Update: The following outstanding issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Dedicate and convey 100 feet of right-of-way from the centerline on Brookshire Boulevard.</li> <li>2. The petitioner should amend the first sentence under General Note "Buffer Areas" to state that a 100-foot Class "A" buffer will be provided.</li> </ol>
<p><b>Tammie Keplinger</b></p> <p><b>Deferral (indefinite)</b></p>	<p>05. <b>Petition No. 2008-154 by Robert Nixon</b> 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 an indefinite deferral of this petition. The petition is consistent with the Plaza-Central Pedscape Plan and is reasonable and in the public interest.</p> <p>Attachment 02</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. A solid waste management plan will be provided.</li> <li>2. Notes #1.1; #2; #4; and #6 Under "Development Standards" has been modified to indicate the PED zoning district.</li> <li>3. Note #6 has been modified to state that the leased parking shall be provided within 1,600 feet of the property (MUDD standard), not 800 feet.</li> <li>4. The zoning designation under "Project Data", has been revised to MUDD-O (PED) S.P.A.</li> <li>5. Note #10.1 has been renumbered to #9.5 and moved under note #9, "Options from MUDD Development Standards".</li> </ol> <p><b>Update: The following outstanding issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Provide a copy of a minimum five-year parking space lease agreement for a minimum of twelve parking spaces.</li> <li>2. If the signed lease agreement is not for spaces shown on the site plan across Gordon Street, then remove the text on the parking lot that reads, "Partial leased parking to be provided from this lot". Also modify Note #6 that references the leased spaces across the site on Pecan Avenue and Gordon Street, and replace it with the location of the leased parking.</li> </ol>
<p><b>Tammie Keplinger</b></p> <p><b>Deferral (indefinite)</b></p> <p><b>Protest Sufficient</b></p>	<p>06. <b>Petition No. 2008-158 by Greater Galilee Baptist Church</b> 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 an indefinite deferral of this petition.</p> <p>Attachment 03</p>
<p><b>Tammie Keplinger</b></p> <p><b>Second Public Hearing due to notification issue</b></p>	<p>07. <b>Petition No. 2009-005 by Regency Centers, Inc.</b> for a change in zoning of approximately 21.75 acres located on the southwest corner of Carmel Road and Pineville-Matthews Road from B-1SCD to MUDD-O.</p> <p>Staff recommends approval of this petition. This petition is consistent with the <i>South District Plan</i> and reasonable and in the public interest.</p> <p>Attachment 17</p> <p><b>There are no outstanding issues associated with this petition.</b></p>

<p><b>Tammie Keplinger</b></p>	<p>08. <b>Petition No. 2009-015 by The City's Attorney's Office</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to revise the protest petition language to match new modifications proposed to the protest petition form and instructions. It also adds a new provision that the protest petition shall be on a form prescribed by the City, or on a document containing all the same required information. Other modifications to the protest petition text are proposed that will clarify the information requested on the protest petition in order to be complete, circumstances under which a protest petition is made sufficient, when it must be filed, and how it can be withdrawn.</p> <p>Staff recommends approval of this petition. This petition is consistent with adopted policies and is reasonable and in the public interest.</p> <p>Attachment 25</p> <p><b>There are no outstanding issues associated with this petition.</b></p>
<p><b>Tammie Keplinger</b></p> <p><b>Protest Sufficient</b></p>	<p>09. <b>Petition No. 2009-021 by Bellmore Hall, LLC</b> for a change in zoning of approximately 13.18 acres located on the south side of Windyrush Road between Sheffingdell Drive and Summerlin Place from R-3 to MX-1(Innovative).</p> <p>Staff recommends approval of this petition. This petition is consistent with <i>the South District Plan</i> and is reasonable and in the public interest.</p> <p>Attachment 20</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. A note has been added indicating that the minimum side yards for corner lots is 10 feet.</li> <li>2. A note has been added limiting the height of the pedestrian lighting to 12-feet.</li> </ol> <p><b>The following outstanding issue has not been addressed:</b></p> <p>Staff asked the petitioner to provide full cut-off light fixtures. Such fixtures are not available for the type of lighting that has already been installed, therefore this issues has not been addressed.</p>
<p><b>Tom Drake</b></p>	<p>10. <b>Petition No. 2009-023 by Cashel Rock Investors</b> for a change in zoning of approximately 24.10 acres located on the west side of Monroe Road and north of Orchard Lake Drive from I-1 and I-1(CD) to I-1(CD), UR-C(CD) and UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues. This petition is <u>inconsistent</u> with the <i>South District plan</i> and <i>General Development Policies</i> but is reasonable and in the public interest.</p> <p>Attachment 22</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The pedestrian connection between Area 1B and Area 3 has been enhanced and staff is satisfied.</li> <li>2. Staff has removed its objections to the language regarding massing on Area 1B.</li> <li>3. The note regarding the number of access points from Area 2 to Orchard Lake Drive has been corrected to match the six access points shown on the site plan.</li> </ol> <p><b>Update: The following outstanding issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Remove Note R., which suggests that the buildings <b>may</b> be Energy Star compliant. This is not a regulatory standard.</li> </ol>

<p><b>Tammie Keplinger</b></p>	<p>11. <b>Petition No. 2009-024 by Robert Mason &amp; Associates, Inc.</b> for a change in zoning of approximately 0.344 acres located on the northwest corner of Keswick Avenue and Bancroft Street from O-2 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Fence detail has been provided.</li> <li>2. Site plan is labeled 2009-024.</li> <li>3. A note requiring the gate along Bancroft Street to be open during business hours has been added to the site plan.</li> <li>4. The six-foot buffer along Bancroft Street has been labeled.</li> <li>5. The dimensions of buffer along Bancroft Street are labeled.</li> <li>6. The proposed zoning has been changed to I-2(CD) to match rezoning application.</li> <li>7. Staff requested that the petitioner show parking layout. The petitioner has added a note indicating that the parking requirements will be met utilizing the adjacent property under the same ownership. The petitioner has agreed to provide a cross parking and access easement will be needed.</li> </ol> <p><b>Update: The following outstanding issues have not been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Provide updated elevations.</li> <li>2. Indicate that blank expanses of walls will not exceed 20-feet.</li> <li>3. Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating land clearing, demolition, and/or construction.</li> </ol>
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