

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, CH14**  
**June 24, 2009**  
**4:30 P.M.**

<p><b>Shad Spencer</b></p>	<p><b>01. Innovative Request for Rezoning Petition 2004-115</b></p> <p><b>Cunnane Land LLC</b> is requesting the following innovative approvals for the Ardrey Commons development located on the west side of Wade Ardrey Road just south of Ardrey Kell Road:</p> <p style="padding-left: 40px;">Allow single family lots to front on private streets. The ordinance requires lots to have public street frontage.  Reduce the setback to 5' for single family lots along interior streets. The ordinance requires a 20' setback.  Reduce the rear yard to 5' for interior alley loaded lots. The ordinance requires internal lots to have 20' rear yards.  Eliminate open space/maximum building coverage requirements for interior single family lots.</p>
	<p><b>02. Petition No. 2009-003 by Housing Authority of the City of Charlotte</b> for a change in zoning of approximately 2.35 acres located on the northwest corner of East 10<sup>th</sup> Street and Seigle Avenue from UR-2 to MUDD(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues. The petition is consistent with the <i>Belmont Revitalization Plan</i> and 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. Note 2D has been revised to read "All freestanding lighting and exterior lighting on buildings will be shielded with full cutoff fixture so as to minimize the impact from lights that may be visible from nearby properties".</li> <li>2. Note 3G has been revised to read "The petitioner reserves the right to count existing parallel parking spaces on the development side along Greenway Crescent Lane, Seigle Avenue, and East 10<sup>th</sup> Street toward the minimum required for the project".</li> <li>3. Location of the recycling and dumpster containers have been shown in the parking deck.</li> <li>4. 8,000 square feet minimum has been listed for the proposed courtyards.</li> <li>5. Urban open space has been listed.</li> <li>6. Location of stormwater detention has been shown on the site plan. The detention area should be located away from the proposed greenway area and/or designed such that a smaller water quality feature is used, which will complement the greenway.</li> <li>7. Note 3A has been removed.</li> <li>8. 12<sup>th</sup> Street has been labeled on site plan.</li> <li>9. Eight-foot planting strip and six-foot sidewalk has been labeled along East 10<sup>th</sup> Street.</li> <li>10. 10 foot easement has been granted and shown along 12<sup>th</sup> Street. Note has been added that Park and Recreation will complete the construction of the path and or sidewalk.</li> <li>11. Note has been added that petitioner will seek approval through the abandonment process for the portion of Seigle Point Drive that crosses the properties to be rezoned.</li> <li>12. Provide conceptual elevations for all portions of the building that face the public rights-of-way as the current elevation does not represent a building 80 feet in height.</li> <li>13. LUESA comments have been addressed.</li> </ol> <p><b>The following issue is still outstanding.</b></p> <ol style="list-style-type: none"> <li>1. Provide conceptual elevations for all portions of the building that face the public rights-of-way as the current elevation does not represent a building 80 feet in height.</li> </ol>

	<p>03. <b>Petition No. 2009-031 by Roger and Perina Stewart</b> for a change in zoning of approximately 0.682 acres located on the north corner of Belmont Avenue and Allen Street from R-5 and B-1 to UR-3(CD).</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues. The petition is inconsistent with the <i>Belmont Area Revitalization Plan</i> but reasonable and in the public interest.</p> <p>Attachment 16</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The figures for total building square footage and land acreage have been amended to achieve the correct FAR.</li> <li>2. A note has been added indicating that the floor area of the proposed office/commercial component is 1.39 times the size of the overall residential/office/retail building footprint.</li> <li>3. Staff has agreed to allow the proposed maximum 40-foot building height to remain as it is consistent with the maximum building height permitted in the surrounding R-5 residential development.</li> <li>4. The maximum number of nonresidential parking spaces has been corrected to reflect one space per 400 square feet per Section 9.408(1) of the City of Charlotte Zoning Ordinance.</li> <li>5. The area on the site plan located between the portion of the building where the roll out carts will be stored and the two-story townhomes has been identified as being a single story residential unit.</li> <li>6. A note has been added to the site plan stating outdoor seating will not be placed in the setback or obstruct the sidewalk or door.</li> <li>7. A note has been added stating the proposed development is age-restricted and to be occupied by persons over the age of 55.</li> <li>8. A note has been added stating no wall pak lighting is allowed.</li> <li>9. A note has been added to the "Conceptual Under Building Parking Plan" provided at the bottom of the site plan stating that the parking gate and all pedestrian doors in and out of the parking area will be secured with controlled access/egress points. The petitioner has confirmed that the "Conceptual Under Building Parking Plan" shows a ramp or stairs to the courtyard.</li> <li>10. The "Conceptual Under Building Parking Plan" has been modified to label the required minimum width of eight feet for the loading zone for the handicap parking space and; noting on the site plan that proposed on street parking spaces will not be striped.</li> <li>11. The petitioner has addressed LUESA comments by adding a note on the site plan that states each parcel will be inspected for underground storage tanks prior to any demolition or grading activity, and any underground storage tanks identified will be removed per NCDENR guidelines.</li> </ol>
	<p>04. <b>Petition No. 2009-035 by Housing Authority of the City of Charlotte</b> for a change in zoning of approximately 3.98 acres located at the southwest corner of Fairview Road and Park South Drive from R-43MF to MUDD-O.</p> <p>Staff does <u>not</u> recommend approval of this petition as the proposal is inconsistent with the <i>South District Plan</i>.</p> <p>Attachment 17</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The access to Park South Drive is now described as a "future driveway". The details of that access will be determined later.</li> <li>2. A note has been added that restaurants will provide one parking space for each 125 square feet of floor area, including outdoor dining.</li> <li>3. A note has been added that the additional residential units are intended to be age and income restricted and will provide parking at a rate of one space per four units. If the units are not income restricted they will be parked at one space per unit.</li> <li>4. The requested optional provision for monuments signs has been deleted.</li> </ol>

<b>Deferral (one-month)</b>	<p>05. <b>Petition No. 2009-039 by Charlotte Area Transit</b> for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues. This petition is inconsistent with the <i>Belmont Revitalization Plan</i>, but reasonable and in the public interest.</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. Note I.B has been adjusted to state that "Any changes shall be subject to the terms and conditions set out by and in accordance with section 6.207 of the Ordinance."</li> <li>2. Note has been added to read "Development of the site shall comply with the setback, height, and yard requirements of the B-2 zoning district".</li> <li>3. Note IV-A has been added to state that "Landscaping and screening shall, at minimum, satisfy the requirements of Section 12.302, 12.303, and 12.304 of the Ordinance".</li> <li>4. Note VI-A to has been added to state that "All exterior lighting fixtures (except street lights) shall be capped and fully shielded with full cutoff and the illumination downwardly directed so that direct illumination does not extend beyond the City-owned property".</li> <li>5. Six foot sidewalk has been labeled along North Alexander Street.</li> <li>6. If the existing asphalt walkway will provide access to the greenway, provide a note that the connection will be maintained.</li> <li>7. Maximum building square footage 100,000 Square feet and 110,000 Square feet for parking has been listed.</li> </ol> <p><b>The Following Items are still outstanding</b></p> <ol style="list-style-type: none"> <li>1. Add a note that a 43-foot Class "B" buffer will be required between abutting B-2 and R-22MF zoning once North Myers Street is abandoned.</li> <li>2. If the existing asphalt walkway will provide access to the greenway, provide a note that the connection will be maintained.</li> <li>3. Add a note that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.</li> <li>4. Address Park &amp; Recreation's comments.</li> </ol>
	<p>06. <b>Petition No. 2009-040 by the City of Charlotte Neighborhood and Business Services Department (formerly the Economic Development Office)</b> for a change in zoning of approximately 8.5 acres located on the north side of Mount Holly Road near Morningside Road from R-17MF(LWPA) to I-1(LWPA).</p> <p>Staff recommends approval of this petition. The petition is consistent with the <i>Mt. Holly Road Special Project Plan</i> and reasonable and in the public interest.</p> <p>Attachment 24</p> <p><b>Update: There are no outstanding issues with this petition.</b></p>
	<p>07. <b>Petition No. 2009-041 by 1152, LLC</b> for a change in zoning of approximately 20.78</p>

	<p>acres located at the intersection of Highway 29 and Caprington Avenue from MX-2 to MX-2(SPA).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue. The petition is consistent with the <i>Northeast Area Plan</i> and reasonable and in the public interest.</p> <p>Attachment 18</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Note has been added to address LUESA comments.</li> </ol>
	<p>08. <b>Petition No. 2009-042 by Lincoln Harris, LLC</b> for a change in zoning of approximately 24.0 acres located at the intersection of North Tryon Street and West Mallard Creek Church Road from CC to MUDD-O with 5 Year Vested Rights.</p> <p>Staff recommends approval of this petition. This petition is consistent with <i>Transit Station Area Principles</i> and reasonable and in the public interest.</p> <p>Attachment 19</p> <p><b>Update: The following outstanding issues have been addressed as noted:</b></p> <ol style="list-style-type: none"> <li>1. A note has been added to the conditional plan indicating that prior to the commencement of the MUDD review process for each of the proposed office buildings the Petitioner will submit to the Planning Director for review the proposed building elevation to assure compliance with the attached building elevations and the conditional notes regarding architectural treatment of the base of the proposed building.</li> <li>2. During the building permit and MUDD review process the Petitioner will work to identify tree save areas. One possible tree save area is the area of the Site to be dedicated to Mecklenburg County Parks and Recreation for incorporation into the Mallard Creek Greenway. In such event, this area was used to calculate any required tree save or natural area requirements for the Site.</li> <li>3. It appears from a review of Polaris that a small portion of the site is affected by portions of a Post Construction Controls Buffer. This information has been added to the Site Plan.</li> <li>4. Staff has removed the request for the petitioner to show the maximum FAR on the site plan.</li> <li>5. Staff has removed the request for the petition to include the development proposed for Area 5 in Note (B)(3) as this note identifies areas that could be used for the initial phase of development or could be used for surface parking for the initial phase of development. Area 5 does not meet either of these criteria.</li> <li>6. A cross-section of setbacks with plantings along West Mallard Creek Church Road and North Tryon Street has been provided.</li> <li>7. The petitioner has submitted elevations for the initial building to be located at the corner of North Tryon Street and West Mallard Creek Church Road.</li> <li>8. The centrally located open space has been labeled.</li> <li>9. A concrete waiting pad for a bus stop is being provided. However due to the need for secured parking the reservation of 25 non-exclusive parking spaces will not be included.</li> <li>10. The Petitioner shifted the location of the proposed driveway on N. Tryon Street to provide the required storage for the directions cross-over.</li> <li>11. Private Street C and A have been labeled as Private Streets open to the public for ingress and egress.</li> <li>12. The Petitioner will two pedestrian refuge islands and associated pedestrian count down signals at the intersection of N. Tryon Street and Mallard Creek Church Road. The refuge Islands will be provided on N. Tryon Street on northern approach and on E. Mallard Creek Church Road on the westbound approach to the intersection. The pedestrian refuge islands will be a minimum of 6 feet wide.</li> <li>13. All the internal private streets will have at a minimum eight (8) foot planting strips and six (6) foot sidewalks with the exception of privates street C that will only have</li> </ol>

	<p>a sidewalk on one side all other internal private streets will have sidewalks on both sides of the streets.</p> <ol style="list-style-type: none"> <li>The Petitioner will amend Section F Streetscapes Note 1 to indicate that the sidewalks and planting strips along N. Tryon Street and W. Mallard Creek Church Road will be installed with the first phase of development.</li> <li>The Petitioner reworded Note 3 of Section entitled Transportation Improvements to read that the developer is responsible for the paving associated with the installation of required turn lanes. CDOT will add wording clarifying that the City consistent with its normal practice will provide pavement for additional travel lanes that are created when curbs are required to be set back for a future thoroughfare cross-section.</li> <li>The Petitioner has agreed to extend and construct an eight foot sidewalk along N. Tryon Street from the Sites southern boundary to tie into the sidewalk that will be constructed by others as part of the reconstruction of the southbound bridge on S. Tryon Street. The petitioner will not commit to connect a sidewalk to tax parcel 047191110 since that would require the sidewalk to extend over Mallard Creek.</li> <li>Parks and Recreation asked the petitioner to dedicate the land within the FEMA floodplain fringe for greenway and an additional area for public access to the greenway. The petitioner will dedicate a minimum of 125 feet of property between the southern property line and Private Street A. This area will be dedicated after all site utilities and associated grading has been completed. An access way to the Greenway will also be provided.</li> </ol> <p><b>Update: The following notes have been added or modified:</b></p> <ol style="list-style-type: none"> <li>The Petitioner reserves the right to cross, with overhead walkways or bridges, the internal Private Streets so that the buildings constructed on the Development Areas may be connected to one another.</li> <li>The height in Development Area 1 has been increased from 200 feet to 220 feet.</li> <li>The height in Development Area 2 has be reduced from 265 feet to 240 feet.</li> <li>The height in Development Areas 3 and 5 is limited to 160 feet.</li> <li>The petitioner has agreed to allow the adjoining property (tax parcel # 047-441-01) to access Private Street C. The access to Private Street C must be located between the intersection of Private Street E with Private Street C and the point along Private Street C indicated on the rezoning plan, provided that Private Street C remains a private street, and changes to its alignment or configuration do not reduce the buildable area on Development Areas 2, 4 and 6 and such access is approved by applicable City departments. The construction and the cost associated with the connection from the adjoining parcel to Private Street C shall be the responsibility of the abutting property owner.</li> </ol> <p><b>Update: The following issues are outstanding:</b></p> <ol style="list-style-type: none"> <li>The petitioner should reword the last sentence of (F) (7) to indicate that "this area may be used to meet the required tree save or natural areas for this site."</li> <li>The note allowing overhead walkways and bridges should be limited to areas between Development Areas 4 and 6; and Development Areas 2 and 4.</li> </ol>
	<p>09. <b>Petition No. 2009-046 by Todd D. Leger</b> for a change in zoning of approximately 1.56 acres located along Monroe Road near Sardis Road North from O-15(CD) to NS.</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 20</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>A line differentiating between phases one and two has been established. Phase one includes 17 parking spaces which are needed to meet the parking regulations for the existing building.</li> <li>A note has been added to the site plan indicating that the petitioner will submit a Solid Waste Management Plan to LUESA prior to initiating demolition and/or construction activities</li> </ol>