

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
September 30, 2009
4:30 P.M.

<p>Deferral (3-Month)</p> <p>Tammie Keplinger</p> <p>Protests Sufficient</p>	<p>1. Petition No. 2008-032 by Myers Park Homeowners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue from R-22MF to R-8MF.</p> <p>Staff recommends a three-month deferral of this petition. This will allow the Height in Residential District stakeholders to continue meeting and develop a recommendation. The Myers Park HOA supports a three month deferral.</p> <p>Attachment 2</p> <p>Update: This is a conventional petition with no associated site plan and no outstanding issues.</p>
<p>Tom Drake</p> <p>Protest Sufficient</p>	<p>2. Petition No. 2008-158 Greater Galilee Baptist Church for a change in zoning of approximately 2.76 acres located between South Mint Street and Wilmore Drive adjacent to Spruce Street and West Park Avenue from R-5 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 11</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The total square footage at build out will be 26,660 square feet. 2. Tree Save Area had been labeled on the site plan. 3. A note has been added that the height of the building will be 39 feet. The steeple will not be taller than 48 feet. 4. Under the development data "Variations" has been changed to "Optional Requests". 5. A note has been added that the new building will not be exempt from the street wall requirement for the side of the building along Spruce Street. A note has been added that the new building is exempt from the clear glass requirement but the building will utilize decorative glass. 6. The correct Zoning has been added for parcels 11908233 and 11908207. 7. The 8-foot planting strip and 6-foot sidewalk along West Park Avenue has been shown on the site plan. 8. Details have been provided for a screen wall along Spruce Street. 9. The site plan will include a note that changes will be in accordance with Section 6.2 of the Zoning Ordinance. 10. The optional request to allow buildings along the east side of Spruce Street to maintain existing setback has been removed from the site plan. 11. Portions of the brick wall along Mint Street will be removed to meet sight distance requirements. 12. A parking turnout will be constructed on the Spruce Street parking lot. <p>Update: The following notes have been added or modified:</p> <ol style="list-style-type: none"> 1. A note has been added that the two sanctuaries will not be used simultaneously. 2. Four of the houses that will be removed from the petitioned site will be relocated in the Wilmore neighborhood. The fifth house will be moved if it is deemed fit and property can be found within the neighborhood.

	<p>Update: Based on the revised site plan, staff has the following issues:</p> <ol style="list-style-type: none"> 1. The permitted uses should be limited to religious facilities and accessory uses. 2. Notes 6 and 7 under the "Optional Requests from MUDD Development Standards" should be relocated to the "Development Data" as they are not optional requests. 3. The new sanctuary should have a minimum 14-foot setback. 4. All freestanding lighting should be limited to full cutoff fixtures. 5. If a five-foot screen wall along Spruce Street is desired (as shown on the site plan), it should include a three-foot brick base with the remaining height in wrought iron. 6. Note 7 should be modified as follows: The fifth house located next to the existing sanctuary will be moved if: the house is deemed fit for moving by the relocation company and/or inspectors; a suitable property can be found in the neighborhood; and a funding source is available for moving that house.
Tom Drake	<p>3. Petition No. 2009-053 by Charlotte Housing Authority for a change in zoning of approximately 1.84 acres located along Youngblood Street between Remount Road and Fairwood Avenue from I-2 to TOD-M(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 18</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The comments provided by CDOT in the memorandum dated September 11, 2009, as related to the dedication of right-of-way for the proposed street have been addressed. 2. The information provided in the Development Summary has been corrected, including Tax Parcel ID 147-011-01 (reference as a portion of); references to Parcels 1 and 3 as they are not part of this petition; total site area; and proposed zoning (omit I-2). 3. Development Standards Notes #6 and #7 have been modified to accurately reflect the requests identified in CDOT's memorandum regarding dedication of right-of-way. 4. "Prop. Local Residential Street" shown on site plan for proposed street has been changed to "Proposed Street".
Tom Drake	<p>4. Petition No. 2009-058 by Therapeutic Services Group for a change in zoning of approximately 4.31 acres located on Old Concord Road between West Rocky River Road and Torrence Grove Church Road from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The proposed recombination of the lots has been approved as requested by staff. 2. The shared parking reduction is no longer necessary since the hours/days of operation no longer overlap between the uses.
Tom Drake	<p>5. Petition No. 2009-060 by Charlotte-Mecklenburg Planning Commission for a</p>

	<p>change in zoning of approximately 0.10 acres located on the west side of Old Pineville Road south of Bourbon Street from I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> <p>Update: This is a conventional petition with no associated site plan and no outstanding issues.</p>
Tammie Keplinger	<p>6. Petition No. 2009-063 by Yarbrough Realty and Management Services, Inc. for a change in zoning of approximately 14.17 acres located on the east side of Northpointe Industrial Boulevard from I-1 and I-2 to I-2(CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p> <p>Update: The following outstanding issue has been addressed:</p> <p>1. Staff has removed the request for five-foot sidewalks and eight-foot planting strips behind the existing curb along Northpointe Industrial Boulevard.</p>
Tom Drake	<p>7. Petition No. 2009-064 by American Tower Corporation for a change in zoning of approximately 46.0 acres located on the west side of Thermal Road across from Welford Road from INST(CD) to INST(CD)SPA.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p>Update: The following outstanding issue has been addressed:</p> <p>1. All freestanding lighting associated with the tower will have full cut-off type fixtures.</p>
Tom Drake	<p>8. Petition No. 2009-065 by Charlotte Area Transit System for a change in zoning of approximately 5.13 acres located on the north side of Albemarle Road near the intersection of Albemarle Road and East W.T. Harris Boulevard from B-2 and R-17MF to O-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> <p>Update: This is a conventional petition with no associated site plan and no outstanding issues.</p>
Tammie	<p>9. Petition No. 2009-066 by Rosalia and Jorge Benito for a change in zoning of approximately 0.50 acres located on the north side of Central Avenue between</p>

<p>Keplinger</p> <p><u>Protests</u> One filed not sufficient Second filed sufficient but withdrawn</p>	<p>Landsdale Drive and Rosehaven Drive from R-4 to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> 1. The maneuvering within the setback has been removed. 2. The existing two story accessory structure located within the buffer is to be removed. <p>The following conditions have been added to the site plan:</p> <ol style="list-style-type: none"> 1. Uses will be limited to general office only with accessory uses and structures clearly incidental to the permitted principal use or structures. They include dumpsters, trash handling areas and service entrances subject to the regulation of Section 12.403; fences and walls; outdoor lighting, subject to the regulation of Section 12.402; and vending machines for cigarettes, candy and soft drinks located within an enclosed building as an accessory to the principal office uses. Adult businesses, tattoo parlors, palmistry studios, daycare facilities, or adult video businesses will NOT be permitted. 2. Office uses may be open to the public only between 8:00 and 8:00 pm Monday through Saturday. Use by the business owners and employees shall not be restricted. 3. No more than three (3) individual office uses may be operated on the site at one time. 4. No further additions or expansions to the existing structure are permitted and the residential character shall be maintained to the extent possible. 5. The required buffer fence will be two-sided. 6. The maximum height of any new freestanding light fixtures will not exceed fifteen (15) feet and will be shielded with full cut-off fixtures, capped and downwardly directed. No wall pak lighting will be permitted. 7. Signs will not exceed five feet in height or 20 square feet in area. 8. A new six (6) foot sidewalk meandering around the existing utility poles will be provided along Central Avenue. 9. The existing planting strip will be increased to eight feet, except where the sidewalk meanders around the existing utility poles. <p>Update: The following notes have been added or modified:</p> <ol style="list-style-type: none"> 1. The petitioners will add a note that Beauty Salons are prohibited. 2. The petitioners will install and maintain a masonry wall instead of a wood fence along the rear property line of the Site and along the western property boundary.
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