

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**October 28, 2009**  
**4:30 P.M.**

<p><b>Solomon Fortune</b></p> <p><b>Protests Sufficient</b></p>	<p>1. <b>Petition No. 2008-158 by Greater Galilee Baptist Church</b> 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.</p> <p>Attachment 3</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The total square footage at build out will be 26,660 square feet.</li> <li>2. Tree Save Area had been labeled on the site plan.</li> <li>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.</li> <li>4. Under the development data "Variations" has been changed to "Optional Requests".</li> <li>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.</li> <li>6. The correct Zoning has been added for parcels 11908233 and 11908207.</li> <li>7. The eight-foot planting strip and six-foot sidewalk along West Park Avenue have been shown on the site plan.</li> <li>8. Details have been provided for a screen wall along Spruce Street.</li> <li>9. The site plan will include a note that changes will be in accordance with Section 6.2 of the Zoning Ordinance.</li> <li>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.</li> <li>11. Portions of the brick wall along Mint Street will be removed to meet sight distance requirements.</li> <li>12. A parking turnout will be constructed on the Spruce Street parking lot.</li> <li>13. Uses will be limited to religious facilities and accessory uses.</li> <li>14. Notes 6 and 7 under the "Optional Requests from MUDD Development Standards" have been relocated to the "Development Data" as they are not optional requests.</li> <li>15. The new sanctuary has a minimum 14-foot setback.</li> <li>16. Parking lot light fixtures shall be full cutoff style to minimize light pollution.</li> <li>17. A new fence section has been added showing a three-foot high brick portion of the wall and the remaining two feet to be wrought iron.</li> <li>18. "Note 7" has been 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; <del>and a funding source is available for moving that house.</del></li> </ol> <p><b>Update: The following notes have been added or modified:</b></p> <ol style="list-style-type: none"> <li>1. A note has been added that the two sanctuaries will not be used simultaneously.</li> <li>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.</li> </ol>
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<p><b>Solomon Fortune</b></p>	<p>2. <b>Petition No. 2009-039 by Charlotte Area Transit System</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>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 3 (September 21, 2009 Council Agenda)</p> <p><b>September 21, 2009 Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Note I.B has been amended 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 III-A has been amended to state that "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 amended 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 has been amended 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. The width of the existing sidewalk along North Alexander Street is specified.</li> <li>6. A note has been added 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>7. A note has been added that the existing asphalt walkway will be maintained.</li> <li>8. CDOT comments have been addressed.</li> <li>9. Park &amp; Recreation's comments have been addressed.</li> <li>10. The maximum building square footage has been noted.</li> <li>11. A note has been added 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> </ol> <p><b>October 28, 2009 Update: The petitioner is requesting a 2-month deferral of this petition.</b></p>
<p><b>Tom Drake</b></p>	<p>3. <b>Petition No. 2009-068 by Apprise Holdings, LLC</b> for a change in zoning of approximately 13.98 acres located on the south side of Mallard Creek Road across from Mason Drive and beside Penninger Circle from R-3 to R-17MF(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. The building in the southeast corner of the site meets the 30-foot setback.</li> <li>2. The future right-of-way line has been corrected to indicate 30 feet from the centerline of the existing Penninger Circle.</li> <li>3. The yard for the southwest building has been corrected from a 68-foot setback to a 10-foot side yard.</li> <li>4. The number of units has been reduced (from 238 to 224) to meet the 17 unit-per-acre limit of the R-17MF district. This also includes reducing the parcel size from 13.98 to 13.19.</li> <li>5. The dimensions and materials for the proposed decorative fence have been</li> </ol>

	<p>provided.</p> <ol style="list-style-type: none"> <li>6. The sidewalk on the parking lot side of the northwest building has been extended out to Penninger Circle.</li> <li>7. Pedestrian gates will be provided for all sidewalks extending to the public street sidewalk system.</li> <li>8. Note #4 has been clarified to state that rights-of-way will be dedicated and conveyed.</li> <li>9. The conflict between Note #1 and the Zoning Information specification that 80 percent of all trees will be saved has been resolved. A note has been added to Note #1 that the certified arborist's plan will be implemented.</li> </ol> <p>The following issues are still outstanding:</p> <ol style="list-style-type: none"> <li>1. Revise the site plan to comply with Section 9.303(19)d.ii, which requires all buildings to be within 400 feet of a public or private street.</li> <li>2. Modify Note #4 to provide for dedication and conveyance of 55 feet along Mallard Creek Road.</li> </ol>
Claire Lyte-Graham	<p>4. <b>Petition No. 2009-069 by Temple Beth El, Inc.</b> for a change in zoning of approximately 8.50 acres located on the east side of Providence Road across from East Barden from R-1 and R-3 to INST (CD) and R-3.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</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. The petitioner has added building square footage (existing, added, total) information to the site plan.</li> <li>2. The petitioner has corrected the conflicts in the Parking Analysis table regarding existing, proposed, and total on-site parking spaces.</li> <li>3. The petitioner has labeled all walkways on the site plan.</li> <li>4. The petitioner has modified Note #11 to state that site lighting shall be shielded with full cut-off fixtures.</li> <li>5. The petitioner has added language to Note #9 stating the parking agreement shall conform to Section 12.203 of the City of Charlotte Zoning Ordinance.</li> </ol>
Claire Lyte-Graham	<p>5. <b>Petition No. 2009-072 by Domenic, David &amp; Leigh Polzella</b> for a change in zoning of approximately 1.68 acres located on the east side of Bob Beatty Road near Reames Road from R-4 to B-2(CD) and O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue. In addition, the petitioner should procure a variance prior to a rezoning decision by City Council for that portion of the historic single family house that encroaches into the required rear yard in the proposed O-1 zoning area.</p> <p>The Zoning Board of Adjustment will hear this item at their October 27, 2009 meeting and staff will update the Zoning Committee at the October 28, 2009 meeting.</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. The petitioner has clarified the language contained in Note #9 to state that all existing buildings will remain unchanged and comply with the maximum building 40 foot height.</li> <li>2. The petitioner has amended Development Note #7 to identify Rezoning Petition 1991-09(c).</li> <li>3. The petitioner has amended Development Note #10 and added language to say "full cut-off fixtures".</li> </ol>

	<ol style="list-style-type: none"> <li>4. All references to the Charlotte-Mecklenburg Historic Landmarks Commission have been correctly referenced.</li> <li>5. The required five-foot sidewalk from the proposed uses to the abutting right-of-way is a minimum ordinance requirement that will be addressed at the development process rather than on the site plan.</li> <li>6. The petitioner has submitted a variance request (Case #2009-041), scheduled for consideration at the October 27, 2009 Zoning Board of Adjustment meeting. Staff will update the Zoning Committee on the status of this variance at the Work Session.</li> <li>7. The petitioner has addressed comments provided by the Charlotte Historic District Commission and the Charlotte-Mecklenburg Historic Landmarks Commission by providing notes on the site plan regarding review and approval of any proposed site improvements or alterations to the interior of the historic house; siting the parking in such a way as to be the least impacting on the overall site; and a variance request for the garage encroachment into the rear yard.</li> <li>8. The petitioner has addressed CDOT comments regarding conveyance of right-of-way for future improvements to Bob Beatty Road as part of the North Corridor Commuter Rail Project, and the removal of Conditional Note #12 relating to road improvements.</li> </ol>
Tammie Keplinger	<p>6. <b>Petition No. 2009-073 by Jeanne Fontana</b> for a change in zoning of approximately 2.5 acres located on the northeast corner at the intersection of North Wendover Road and Ellington Street from R-22MF to NS.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</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 that all outdoor freestanding lighting will have full cut-off fixtures.</li> <li>2. The zoning of the adjoining properties has been noted on the site plan.</li> <li>3. The FAR and the maximum FAR is 2.0 have been noted on the site plan.</li> <li>4. The maximum building height has been noted as 60-feet.</li> <li>5. The right-of-way for north Wendover Road has been noted on the site plan as 100 feet.</li> <li>6. The sidewalk has been located behind a 12-foot planting strip to allow for the construction of a future bicycle lane on North Wendover Road.</li> </ol>
	<p>7. <b>December Zoning Committee Worksession</b> – Review the date for the December Zoning Committee Worksession currently scheduled for Monday, January 4, 2010.</p>

## December 2009

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	<b>21 City Council Zoning Meeting</b>	22	23	<b>24 Holiday Closed</b>	<b>25 Christmas Closed</b>	26
27	28	29	30	31		

## January 2010

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					<b>1 New Year's Closed</b>	2
3	<b>4 December ZC Worksession 4:30</b>	5	6	7	8	9
10	11	12	13	14	15	16
17	<b>18 MLK Day Closed</b>	<b>19 City Council Zoning Meeting</b>	20	21	22	23
24	25	26	<b>27 January ZC Worksession 4:30</b>	28	29	30
31						