

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 267**  
**January 6, 2010**  
**4:30 P.M.**

<p><b>Tammie Keplinger</b></p> <p><b>Deferral Requested (06/30/09)</b></p> <p><b>Protests sufficient</b></p>	<p>1. <b>Petition No. 2008-032 by Myers Park Homeowners Association</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.</p> <p>The petitioner is requesting a deferral to June 30, 2010 to allow continued work on the HIRD (Height in Residential Districts) text amendment.</p> <p>Attachment 2 (October 19, 2009 City Council Agenda)</p> <p><b>Update: This is a conventional petition with no associated site plan and no outstanding issues.</b></p>
<p><b>Tom Drake</b></p>	<p>2. <b>Petition No. 2008-154 by Robert Nixon</b> MUDD-O (PED) site plan amendment for approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7 (April 20, 2009 City Council Agenda)</p> <p><b>Update: The following outstanding issue has been addressed:</b></p> <p><b>1. A note has been added that a parking lease agreement has been executed to provide a minimum of twelve parking spaces for a minimum of five years.</b></p>
<p><b>Tom Drake</b></p> <p><b>Deferral Requested (01/27/10)</b></p>	<p>3. <b>Petition No. 2009-039 by Charlotte Area Transit Systems</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>The petitioner is requesting a deferral to January 27, 2010 to allow time for a revised site plan to be reviewed.</p> <p>Attachment 1 (November 16, 2009 City Council Agenda)</p> <p><b>Update: The following outstanding issues, based on the previous site plan, have been addressed:</b></p> <p><b>1. A note has been added to the site plan that states "Any changes shall be subject to the terms and conditions set out by and in accordance with section 6.207 of the Ordinance."</b></p> <p><b>2. A note has been added to the site plan that states "Development of the site shall comply with the setback, height, and yard requirements of the B-2 zoning district".</b></p> <p><b>3. A note has been added to the site plan that states "Landscaping and screening shall, at minimum, satisfy the requirements of Section 12.302, 12.303, and 12.304 of the Ordinance".</b></p> <p><b>4. A note has been added to the site plan that states "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".</b></p> <p><b>5. The width of the existing sidewalk along North Alexander Street has been added.</b></p> <p><b>6. A note has been added that a 30-foot Class "C" buffer will be required between abutting B-2 and R-22MF zoning once North Myers Street is abandoned.</b></p> <p><b>7. A note has been added that the existing asphalt walkway connection to the</b></p>

	<p>greenway will be maintained.</p> <ol style="list-style-type: none"> <li>8. A note has been added stating that the connection to the greenway will be maintained addressing Park &amp; Recreation's comments.</li> <li>9. Maximum of 100,000 square feet has been listed for the building square footage.</li> <li>10. Elevations have been provided showing blank walls treated with glass windows and various stone materials.</li> </ol> <p>Update: The following issue is still outstanding, based on the previous site plan:</p> <ol style="list-style-type: none"> <li>1. Address CDOT's comments, in regards to sight triangles being added to the site plan.</li> </ol>
Tom Drake	<p>4. <b>Petition No. 2009-048 by Winter Elizabeth, LLC</b> for a change in zoning of approximately 6.87 acres located between East Seventh Street and Weddington Avenue from R-22MF to MUDD (CD).</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> <li>1. A note has been added agreeing to place the pedestrian "mews" between the buildings in a public access easement.</li> <li>2. The development will comply with the PCCO.</li> </ol>
Tom Drake	<p>5. <b>Petition No. 2009-061 by Lat Purser &amp; Associates, Inc.</b> for a change in zoning of approximately 0.50 acres located on the east corner of East 36<sup>th</sup> Street and North McDowell Street from R-5 to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 4</p> <p>Update: The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> <li>1. Proposed zoning has been amended to UR-2(CD).</li> <li>2. Rear yard measured from the centerline of the abutting alley.</li> <li>3. Building footprints clearly delineated.</li> <li>4. Note 7 amended to state multi-family residential units.</li> <li>5. Note 8 amended to state that either one parking space will be provided at a minimum of 22 feet in length or two parking spaces at a minimum of 40 feet in length.</li> <li>6. Note 13 amended to state that a tree preservation plan by a certified arborist will be submitted prior to a building permit for the single family dwelling.</li> <li>7. Transferred building height information from Note 19 to Note 3.</li> </ol> <p>Update: The petitioner has agreed in writing to amend the following issues:</p> <ol style="list-style-type: none"> <li>1. Remove references to on-street parking.</li> <li>2. Provide CATS waiting pad. Awaiting feedback from CATS on location for a potential pad.</li> <li>3. Provide definitive proposed building setbacks in Notes 15 and 16 and where referenced on the site plan.</li> <li>4. Delete Note 19</li> <li>5. Delete Notes 5, 12, 18, 29 and 21</li> <li>6. Delete portion of Note 13 which states that if it is determined that the tree preservation would not be possible, petitioner reserves the right to work with the City Arborist and find a resolution.</li> </ol> <p>Update: New issue based on the site plan the petitioner submitted at the public hearing:</p>

	<ol style="list-style-type: none"> <li>1. Provide pedestrian access from the front of Building Two that connects to the public sidewalk along North McDowell Street by relocating handicap parking spaces and providing a crosswalk through the drive aisle.</li> </ol>
<b>Tom Drake</b>  <b>Protest Sufficient</b>	<p>6. <b>Petition No. 2009-067 by Stacy Mitchell and Janet McMillen</b> for a change in zoning of approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD).</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 5</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Elevations have been provided and labeled for new and existing structure.</li> <li>2. 20-foot rear yard has been labeled on site plan.</li> <li>3. 10-foot side yards have been labeled on site plan.</li> <li>4. 30-foot setback as been labeled and shown on site plan from right-of-way.</li> <li>5. The total square footage of the new expansion and existing structure has been listed on the site plan.</li> <li>6. Parking counts have been listed on the site plan for the residential and office use.</li> <li>7. The 14-foot back of curb setback has been removed from site plan.</li> <li>8. The buffer has been shown continuing to property line along South Tryon Street.</li> <li>9. Zoning on abutting properties has been labeled on the site plan.</li> <li>10. An eight-foot planting strip and six-foot sidewalk along South Tryon Street have been shown and labeled.</li> <li>11. A note has been added that the existing detached structure will be removed from the buffer prior to obtaining building permits.</li> <li>12. A note has been added committing to the extension of five-foot sidewalk from the proposed addition to tie into the sidewalk along South Tryon Street.</li> <li>13. A note has been added that all lighting fixtures will be fully shielded with full cut-off fixtures.</li> </ol> <p><b>Update: The following issue are outstanding, based on the revised site plan:</b></p> <ol style="list-style-type: none"> <li>1. Add a note listing the allowed uses. "Astrological Services" is not a listed use in the Zoning Ordinance.</li> </ol> <p><b>Update: Staff identified a new issue that should be addressed:</b></p> <ol style="list-style-type: none"> <li>1. Clarify the square footage that will be used for office space. Note 19 indicates 30% of the property will be used for office but the "Project Information" indicates 600 square feet.</li> </ol>
<b>Tammie Keplinger</b>	<p>7. <b>Petition No. 2009-070 by McAlpine-North Lake Landing, LLC</b> for a change in zoning of approximately 31.59 acres located on the east side of Beatties Ford Road encompassing portions of McClure Road from R-3 to R-5(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 6</p> <p><b>Update: The following issues are still outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Show all post construction buffers on the site plan.</li> <li>2. Add note that site will comply with Post Construction Controls Ordinance.</li> </ol>
<b>Tammie Keplinger</b>	<p>8. <b>Petition No. 2009-075 by Dona Patterson</b> for a change in zoning of approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF to O-1.</p>

	<p>Staff does not recommend approval of this petition.</p> <p>Attachment 8</p> <p><b>Update: This is a conventional petition with no associated site plan and no outstanding issues.</b></p>
<b>Tom Drake</b>	<p>9. <b>Petition No. 2009-077 by Parks Hunter</b> for a change in zoning of approximately 7.23 acres located on the west side of Weddington Road between Simfield Church Road and Portstewart Lane from R-3 to INST (CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 9</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li><b>1. A note has been added that storm water detention will be located underground.</b></li> <li><b>2. The total square footage allowed has been amended to 29,000 square feet.</b></li> <li><b>3. A photograph of the proposed wall has been provided along with a note that prohibits chain link fences.</b></li> </ol> <p><b>Update: The following issue is still outstanding:</b></p> <ol style="list-style-type: none"> <li><b>1. Add a note that play area, and play equipment will not be allowed in required buffer or setback.</b></li> </ol>
<b>Tom Drake</b>	<p>10. <b>Petition No. 2009-078 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement Zoning Ordinance modifications recommended in the <i>Brevard Street Land Use and Urban Design Plan</i>, adopted in 2008.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p> <p><b>Update: This is a text amendment to the Zoning Ordinance with no outstanding issues.</b></p>
<b>Tom Drake</b>	<p>11. <b>Petition No. 2009-079 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the maximum allowable size of an accessory building, based on the size of the principal structure located on a lot.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p> <p><b>Update: This is a text amendment to the Zoning Ordinance with no outstanding issues.</b></p>
<b>Tom Drake</b>	<p>12. <b>Petition No. 2009-080 by York Development Group</b> for an NS site plan amendment for approximately 6.62 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway.</p>

	<p>Staff recommends approval of this petition.</p> <p>Attachment 10</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 commits to closing the median in North Community House Road.</li> <li>2. The Fire Department's has agreed to accept the entrance configuration shown on the site plan.</li> <li>3. Parking for 204 vehicles is now provided for on the site plan.</li> <li>4. Additional open space has been provided and staff is satisfied.</li> </ol>
<b>Tammie Keplinger</b>	<p>13. <b>Petition No. 2009-081 by Charlotte Douglas International Airport</b> for a change in zoning of approximately 2.84 acres located on the east side of Steele Creek Road between West Boulevard and Dorcas Lane from R-3 to I-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p> <p><b>Update: This is a conventional petition with no associated site plan and no outstanding issues.</b></p>
<b>Tammie Keplinger</b>  <b>Protest sufficient</b>	<p>14. <b>Petition No. 2009-082 by Gina and Dean Collias</b> for a change in zoning of approximately 0.55 acres located on the north side of Fairview Road between Park South Drive and Wintercrest Lane from R-3 to O-1(CD).</p> <p>Staff recommends approval of this petition.</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. The building size has been limited to 4,000 square feet.</li> <li>2. The parking has been limited to 14 spaces per the site plan.</li> </ol>
<b>Tom Drake</b>	<p>15. <b>Petition No. 2009-083 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to delete the list of "Acceptable Plant Species" from the Zoning Ordinance since the list was updated, renamed, and added to the <u>Charlotte Land Development Standards Manual</u>, effective July 1, 2009.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p> <p><b>Update: This is a text amendment to the Zoning Ordinance with no outstanding issues.</b></p>
<b>Tammie Keplinger</b>  <b>Protest</b>	<p>16. <b>Petition No. 2009-084 by YM Management Group, LLC</b> for a CC site plan amendment for approximately 1.72 acres located on the south side of Smith Corners Boulevard near the intersection of West WT Harris Boulevard and Statesville Road.</p> <p>Staff recommends approval of this petition.</p>

sufficient	<p>Attachment 13</p> <p><b>Update: The following outstanding issues have been addressed:</b></p> <ol style="list-style-type: none"> <li>1. Amended Part II (B) to state that the site plan amendment applies only to Parcel D and proposes a maximum of 52,500 square feet. Specified that the remainder of the unified development will have a maximum of 150,000 square feet.</li> <li>2. Specified the meeting room capacity as 24 seats in two meeting rooms.</li> <li>3. Solid waste and recycling area shown and labeled.</li> <li>4. Provided information on the number of meeting rooms, which negated the need for a parking count and shared parking agreement.</li> <li>5. Labeled Parcel D/Envelope #5.</li> <li>6. Addressed Storm Water comments.</li> </ol>
Tom Drake	<p>17. <b>Petition No. 2009-085 by Cranfield Academy</b> for a change in zoning of approximately 1.95 acres located on the east side of Providence Road between Ardrey Kell Road and Providence Country Club Drive from R-3 to INST (CD).</p> <p>Staff recommends approval of this petition.</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 petitioner has revised language on the site plan to identify a possible location for a water quality feature.</li> <li>2. The petitioner has confirmed with the Zoning Administrator that an underground structure associated with the proposed water quality feature would be permitted in the setback so long as no portion of the structure extends more than seven inches above grade.</li> <li>3. The petitioner has corrected the spelling of "handicap" under "Zoning Code Summary".</li> <li>4. The petitioner has provided a drawing depicting garbage vehicle movement in order to verify that the vehicle will be able to service the refuse collection area without interfering with the southernmost parallel parking space.</li> </ol>